

**NEVADA DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION MEETING
AUGUST 19, 2021
2:00 PM**

Office	Address	City	Meeting Room
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	n/a	n/a

SUMMARY MINUTES OF THE BOARD MEETING

BOARD MEMBERS PRESENT

In Las Vegas

Felicia Ortiz, President
Mark Newburn, Vice President
Dr. Katherine Dockweiler
Tamara Hudson
Christina Nguyen

In Carson City

Mike Walker

Via Videoconference

Dr. René Cantú
Katie Coombs
Russell Fecht
Tim Hughes
Cathy McAdoo

DEPARTMENT STAFF PRESENT

Jhone M. Ebert, Superintendent of Public Instruction
Felicia Gonzales, Deputy Superintendent for Educator Effectiveness and Family Engagement
Heidi Haartz, Deputy Superintendent for Student Investment
Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options (CRALEO)
Allegra Demerjian, Public Information Officer
Mary Holsclaw, Education Programs Professional, Office of Standards and Instructional Support

LEGAL STAFF PRESENT

Greg Ott, Chief Deputy Attorney General
David Gardner, Senior Deputy Attorney General

PRESENTERS IN ATTENDANCE

Michael Langton, Legal Counsel
Irene Bustamante Adams, Workforce Connections
Jaime Cruz, Workforce Connections

AUDIENCE IN ATTENDANCE

Stephen Augspurger, Clark County Association of School Administrators
Syrissa Jolley, Mack Lyon Elementary School
Kenneth Paul, Mack Lyon Elementary School
Ed Gonzalez, Community Member

1: CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND LAND ACKNOWLEDGMENT

Meeting called to order at 2:00 P.M. by President Felicia Ortiz. Quorum was established. President Ortiz led the Pledge of Allegiance and provided a land acknowledgement.

2: PUBLIC COMMENT #1

Lindsey Dalley, Mack Lyon Middle School/Moapa Valley High School SOT (School Organizational Team)/Moapa Valley Community Educational Advisory Board, submitted public comment regarding agenda item 9, Assembly Bill (AB) 469. *(A complete copy of the statement is available in Appendix A)*

Wendy Mulcock, Moapa Valley Community Educational Advisory Board, submitted public comment regarding agenda item 9, AB 469. *(A complete copy of the statement is available in Appendix A)*

Alison Clark submitted comment regarding conflicting Clark County School District (CCSD) and State policies. *(A complete copy of the statement is available in Appendix A)*

The Nevada State Education Association submitted public comment regarding the Nevada Department of Education's (NDE) ARP ESSER State Plan. *(A complete copy of the statement is available in Appendix A)*

Kristy La Belle submitted public comment regarding COVID-19. *(A complete copy of the statement is available in Appendix A)*

Jeff Church submitted public comment regarding various education policies. *(A complete copy of the statement is available in Appendix A)*

The Nevada Association of School Administrators submitted public comment regarding agenda item 9, AB 469. *(A complete copy of the statement is available in Appendix A)*

Kenneth Paul, Principal, Mack Lyon Middle School, provided public comment regarding agenda item 9, AB 469. *(A summary of the statement is available in Appendix A)*

Syrissa Jolley, SOT Chair, Mack Lyon Middle School, provided public comment regarding agenda item 9, AB 469. *(A summary of the statement is available in Appendix A)*

Ed Gonzalez, Hickey Elementary School, submitted public comment regarding agenda item 9, AB 469. *(A complete copy of the statement is available in Appendix A)*

Copies of all supplemental documents submitted with public comment are available in Appendix B.

3: APPROVAL OF FLEXIBLE AGENDA

Vice President Mark Newburn moved to approve a flexible agenda. Member Tamara Hudson seconded. Motion passed.

4: PRESIDENT'S REPORT

President Ortiz welcomed students, educators, and staff, as many districts began their school year, and thanked families, educators, support staff, school administrators, and superintendents for their work to collaborate and maximize opportunities for safe in-person learning. She encouraged all eligible Nevadans to get vaccinated and work to prevent the spread of COVID-19. While students are happy to be back in school, they still struggle with the social and emotional components in response to 18 months without regular socialization. President Ortiz emphasized that the priority is to ensure that students are receiving the support they need.

President Ortiz introduced Jessica Todtman, Chief Strategy Officer, and Allegra Demerjian, Public Information Officer, of the Nevada Department of Education, to discuss the [Communications Plan for the Board's Vision and Goals](#).

5: SUPERINTENDENT'S REPORT

Jhone Ebert, Superintendent of Public Instruction, noted that masks are required for all adults and K-12 students regardless of vaccination status in counties with populations over 100,000 and counties with substantial or high spread of COVID-19. Many districts are working to support vaccination sites and are collaborating with their health districts to do so. The Superintendent and Dr. Jonathan Moore, Deputy Superintendent of Student Achievement, attended the Council of Chief State School Officer's Summer Leadership convening in Wyoming, where they connected with their peers across the nation regarding how they are responding to and recovering from the pandemic.

Superintendent Ebert highlighted that this summer marked the inaugural session of Nevada Literacy Camps, hosted in six-week periods at four schools – two in Lyon County and two in Clark. 240 students participated in the program, which offers intensive reading instruction to support early childhood development for students' kindergarten through fifth grade. A new cohort of Digital Ambassadors, who support the Nevada Digital Learning Collaborative, were also welcomed earlier in the month. The second cohort is made up of 42 educators representing Nevada's school districts and offering expertise across various teaching approaches, grade levels, and subject areas.

[Convenience Break due to Technical Difficulties]

6: APPROVAL OF CONSENT AGENDA

Vice President Newburn moved to approve the consent agenda. Member Christina Nguyen seconded. Motion passed.

7: HEARING REGARDING PETITION FOR LICENSE REVOCATION OF JULIA KERRIGAN

Senior Deputy Attorney General (DAG) David Gardner provided the Board an overview of the Hearing and Petition process regarding educator licenses. The Board may accept the recommendation for the suspension or revocation; it may reject it; or it may return it to the Hearing Officer for further evidence and recommendation.

Chief Deputy Attorney General Greg Ott served as legal representation for State Superintendent Jhone Ebert; Michael Langton served as legal counsel for Ms. Julia Kerrigan. DAG Gardner served as legal counsel for the Board. The Board was provided with all documents on the matter, including the original petition for revocation, Ms. Kerrigan's reply, all the pre- and post-hearing papers, a transcript of the hearing, and the exhibits. The initial petition for revocation requested the revocation of Ms. Kerrigan's license. The hearing officer's recommendation is for a less severe discipline, a five-year suspension from the date of the decision of the Board. Today the Board is asked to accept the recommendation of the hearing officer although it differs from the initial request. This is the middle ground, as the initial request was for revocation and Ms. Kerrigan requested no action.

Most discipline actions that rise to the Board are from criminal conviction, but criminal convictions are only required for two of the thirteen different grounds of discipline for a licensee. All other grounds for the revocation of a licensee include: unprofessional conduct, immorality, evident unfitness for service, physical or mental incapacity, knowingly advocating the overthrow of the federal or state government, persistent defiance, or refusal to obey the regulations of the state board, or the superintendent, breaches in security, or questions and answers of College and Career Readiness Assessments, intentional failure to carry out the plan to ensure the security of examination and assessments, use of examinations and assessments, use of aversive intervention, or physical restraints. Willfully failing to comply with the bullying reporting requirements, or a substantiated report of abuse or neglect of a child do not require any sort of a criminal conviction. This is important because Criminal Courts have different standards and protections. For instance, criminal convictions do not occur unless the guilt of the accused is established beyond a reasonable doubt. However, that is a very high standard, and is not the norm in hearings before hearing officer. Findings of fact must be based exclusively on a preponderance of evidence standard. It is also important that the technical rules of evidence that apply in criminal trials do not apply in these hearings. That is a decision that this State Board of Education made and placed into regulation. Specifically, arguments relying on hearsay evidence are considerations that this Board has already heard, about which they have already decided, and placed into regulation. The Superintendent is entitled to rely on those decisions. For example, when we are making legal decisions about the need to call middle schoolers to testify regarding this

petition, or whether we can rely on hearsay statements that those middle schoolers have made to other parties.

If you reviewed Ms. Kerrigan's opposition, she objects based on the hearsay statements, and I want to make clear that the State Board has a regulation in place that rejects the prohibition on hearsay that is found in those criminal trials. Miss Kerrigan also made complaints regarding her due process rights. Due process is a notice of a hearing, and an opportunity to be heard. No one prevented Miss Kerrigan from calling anyone as a witness that she wanted to call. No one objected to admitting evidence that she wanted in this case. In fact, we offered during the hearing to provide more documents into evidence, and into the record if the hearing officer requested them. DAG Ott commended the professionalism of Mr. Langton.

Keep in mind that when the arguments about due process are being made, it's an argument that says we didn't put in everything they think that we should have, not that we prevented them from putting things into the record that they could have. We are entitled to rely on hearsay evidence. We are entitled to call the Test Director, and the two individuals who investigated this matter for Washoe School District. They detailed the results of their investigations in a document that they transmitted to the state finding that she had assisted students in the test preparation and test process. Both parties had fully an opportunity to make their case, and then the case is presented to the hearing officer. You can see the hearing officer struggling with some of the concerns about hearsay that Mr. Langton raised in their brief, concerns about the quality of the investigation.

The hearing officer ultimately agreed with the results of the Washoe County investigation and finds that Miss Kerrigan did aid these students. She agreed that the two investigators in Washoe County, who both independently said she did provide this assistance, were credible, and their conclusions were accurate. But then she struggled with his revocation of the right penalty given some of these evidentiary issues, and she ultimately weighed, and found the evidence establishes evaluation violation, but she rejected our recommendation for revocation. Instead, after considering both the objections regarding the evidence and the concerns about hearsay, and the seriousness of assisting students with an exam and then asking those students to lie about that assistance, she recommended a 5-year suspension.

Michael Langton, legal counsel for Julia Kerrigan, noted that one is entitled to due process of law. That includes facing their accusers and ensuring all facts are proven in any action to consider revocation or suspension of any license to practice as teacher. NRS 391.320 states, "the State Board of Education may suspend or revoke the license of any teacher for any cause specified by law." Mr. Ott enumerated some of the causes, but the word "cause" was clearly put into the statute, not to be just any thought, but there must be a proven cause. It was obviously inserted to protect teachers from arbitrary conduct of having their license revoked, and it must be based on facts and supported by substantial evidence, not just whimsy. In this case, Mr. Langton believed due process had not been served. The burden is not on Miss Kerrigan to prove her innocence, the burden is on the Department to prove her guilt. Neither Miss Kerrigan nor himself were entitled to examine the actual accusers because they were never called to prove their case, and what's at the heart of this case is hearsay.

Hearsay is then one person repeats in court or testimony what another person said as if it was fact. In this case, it's double hearsay, because the student allegedly told her mother who allegedly told other school staff. That's double hearsay. Mr. Langton never had a chance to cross-examine the kids. To say that he could subpoena them, he doesn't have to prove their case; the Department must prove their case. In the record there was total confusion by the kids as to what the questions were and how they were presented. The interviews were never audio taped or visually taped. How can someone provide they didn't say this or that if they can't face their accusers and challenge what's being said?

Julia Kerrigan had absolutely nothing to gain by helping any student answer any question on the test given on May 15, 2018, and that's the issue. But she had everything to lose if she did. She knew that. This wasn't her first rodeo. She had proctored or administered tests before. It makes no sense why a young, educated woman would jeopardize her entire professional career by helping a student on a test as accused in this case. And not just helping the student, but in this case, the double hearsay said that Julia Kerrigan answered 14 questions for a student while other students were present.

Mr. Langton reviewed the interview notes between school staff and the students related to Ms. Kerrigan's

charges. For example, when asked how long it took to answer those fourteen questions, the answer was one to two minutes per question. In this scenario with other kids in the room, Ms. Kerrigan is at a student's computer typing those words. Mr. Langton found that incredible, and noted that the hearing officer, as was alluded, had struggled with exactly some of that testimony. He further noted that none of the interviews were recorded, and the questions were terribly confusing by not being very specific as to whether the question was directed at preparation or the actual Math test, and the response is reflected in the confusion by the students. Going into the details of these responses, Mr. Langton noted times where students' testimony may have been referring to the practice test, rather than the exam, and further highlighted that one student gave two testimonies: the first in Ms. Kerrigan's favor, and after lunch, against Ms. Kerrigan. Whether Ms. Kerrigan was allegedly on her phone or on a computer also changed across testimony. Mr. Langton further noted that not all the students in the classroom were interviewed.

As he said at the beginning, Julia Kerrigan was clearly denied due process of law before the recommendation to suspend her license was made. With the confusion, and especially a student's contradictory statements, Kerrigan's representative attorney should have been able to cross-examine the contradictory student, at a minimum. In her findings and conclusions the hearing officer said, "the students may have been confused by questions and were answering based on their test preparation." That's my argument, and if that's the case, why in the heck was there any recommendation? Why wasn't it remanded? It probably would have been rejected because the burden was on the Department to present the evidence, and to present actual evidence at the hearing to revoke this young lady's license to practice as a teacher. In due fairness, all students, not just 4 students, should have been interviewed, and any contradictory statement should have been cleared up with follow-up interviews if necessary. Interviews are not just to get statements. They are supposed to get to the truth and to establish the facts without doubt. NRS 391.320, states that the board may suspend or revoke for any cause specified by law. Not arbitrary, not whimsical. Mr. Langton respectfully asked the Board to read his conclusion on pages 39-42 of the record. Finally, he noted that if there would have been two Proctors administering this test, we wouldn't be here today. He asked the Board to not to suspend Julia Kerrigan's teaching license for one day, let alone 5-years.

Member Tamara Hudson asked whether Ms. Kerrigan had ever admitted to helping the students, and whether the students were in special education. Mr. Langton noted that she admitted to helping the students during the practice test, and neither he nor Mr. Ott recalled mention of the students being in special education.

Regarding the due process complaint, Member Tim Hughes asked whether there was anything unusual regarding the process that led to not recording the interviews, and whether there was anything substandard about how this process unfolded. Mr. Langton responded that there were no irregularities in the process, barring the power outage that required a hearing to be recessed. However, he does approach these hearings with the stance that his client does not have to prove their innocence; the burden is on the Department to prove their guilt. DAG Ott clarified that to his knowledge, at the time this occurred it was not the practice of the Washoe County School District to record or videotape their interviews. DAG Gardner stated that in three years, he has yet to see audio or video of any kind from a district; it is typically a report completed by the school district.

President Ortiz asked what Washoe County School District did at the time and what Ms. Kerrigan was doing at this time. Mr. Langton noted that Ms. Kerrigan filed a sexual harassment complaint against Principal Dixon and entered into a settlement agreement; she went to work for Charter School Royal Academy. Currently she is resigned from that position and is now an officer with the U.S. Navy.

Member Mike Walker asked if there had been a clear explanation for how information was read and entered into the computers to begin the exam. DAG Ott and Mr. Langton did not recall this being noted in the record. President Ortiz asked whether teachers typically put their phones away when proctoring exams, as students do. Member Walker stated that teachers often have their phones on silent in the event they need to communicate, including if a student needs to go to the bathroom during an exam. Member Hudson stated that in her school they use walkie talkies or landlines and are not permitted to have devices out.

Vice President Newburn stated that he concurred with the Hearing Officer that the preponderance of evidence was that she had done something to aid the students in this test. He agreed with her recommendation for suspension, although he did think that the 5-year recommendation was a little heavy. Based on what he had seen before, it

looked more like a two or three-year suspension.

President Ortiz clarified that they could accept the recommendation, reject it, refer it back to the Hearing Officer, or potentially recommend a lesser period of suspension for the Hearing Officer to review. President Ortiz believed that the case did show that some assistance occurred, but she was open to considering a lesser suspension. Member Katherine Dockweiler agreed with President Ortiz and asked whether they could create a hybrid recommendation that included time served for her revocation, beginning with the end of her employment with Washoe County School District. DAG Gardner noted that the Superintendent could change the start date of the suspension without returning it to the hearing officer.

Member Hughes noted this would be problematic as she worked as a licensed teacher at a charter school following her time at Washoe. Vice President Newburn further expressed concern that Ms. Kerrigan may have made statements while enlisting regarding her history as a licensed teacher which would become false once retroactively suspended.

Member Hughes felt there was some assistance and that five years was lenient compared to revocation; furthermore, once on the record the difference between two years or five seemed immaterial. Vice President Newburn stated that five years removes you from the profession, and he tried to weigh whether this was a teacher who made a mistake and could be an effective teacher again in the future, as well as the type of precedent they may be setting. Five years is much the same as a revocation since it effectively removes the teacher from the profession. Member Dockweiler agreed but was concerned that two years set a precedent of leniency. Member Hudson was in support of the five-year suspension, as Ms. Kerrigan was already familiar with testing protocols when this occurred.

Member Rene Cantu stated that he was in favor of the five-year recommendation if it was backdated to 2018. He felt that 5 years was extreme, and two years would be a better recommendation.

Member Dockweiler moved to approve the hearing officer’s recommendation of a 5-year suspension of Ms. Julia Kerrigan. Member Katie Coombs seconded. Motion passed. Member Cantu dissented.

[Convenience Break]

8: UPDATE REGARDING THE EFFORTS OF WORKFORCE CONNECTIONS

Irene Bustamante Adams, Deputy Director and Chief Strategy Officer of Workforce Connections, provided a PowerPoint presentation to the Board regarding the efforts of [Workforce Connections](#) to provide career pathways to students and support initiatives for K-12 students.

President Ortiz asked if there was an opportunity to replicate the work they’ve been doing in Northern Nevada; Ms. Adams noted that they are currently working to expand their efforts in the north. President Ortiz asked if apprenticeships could be utilized in CTE programs for high school credit, and whether internships were paid; Ms. Adams confirmed that yes, they could. President Ortiz asked if there were opportunities for the Department to receive feedback from businesses regarding their hires to later strengthen our CTE programming; Superintendent Ebert noted that the Department currently has a committee working with Workforce Connections and that local districts have boards inclusive of Workforce.

Member Cathy McAdoo highlighted an organization called SANDY – Supporting and Advancing Nevada’s Dislocated Individual, which is currently working out of libraries and has a successful program on dialysis. For programs such as Workforce and SANDY, efforts are being made to ensure that they can reach rural populations, through libraries, community colleges, or wraparound service locations. Member Cantu asked how many students Workforce Connections was serving; Ms. Adams was happy to share her statistics upon pulling them.

Member Hughes asked about common metrics and outcomes to ensure alignment between partners to solve common challenges; he asked how Workforce was working to cohere alignment. Ms. Adams responded that they maintain hard metrics for data, and that alignment is under a triangle approach of economic development,

education, and workforce. By working in collaboration with agencies, it ensures collective impact.

Member Dockweiler asked whether Workforce information was available in elementary schools for parents. Ms. Adams noted it was not yet available, but they were evaluating that strategy and may do a pilot soon. President Ortiz closed with a request for data to understand teenage employment rates and postsecondary success.

9: REVIEW OF ASSEMBLY BILL 469 (2017)

David Gardner, Senior Deputy Attorney General, provided a PowerPoint presentation regarding the legal aspects of [Assembly Bill 469](#).

Member Dockweiler confirmed that the Board has the authority to modify the SLA process. However, there are limited options to reject an unfavorable SLA as various state and federal requirements may have compliance requirements that do not allow for other opportunities. While CCSD transferred custodial services and technology support to School Organizational Teams (SOTs) in 2018, there have not been any SLAs since 2017, as they weren't given the authority to provide these services for themselves. It was to meet the 85% requirement; the school could see the items on their budget but have no control or discretion over them. They are provided a monetary amount, but the district takes those funds for use. There is no discussion of those dollars to the school's individual discretion or control. While it's been stated they will provide SLAs by 2022, they have not complied for the last three years.

Superintendent Ebert was asked to issue a request to CCSD to show an outline of the procedures they are following to develop the SLAs as outlined in 2018 and in use now, as well as any completed or drafts of SLAs they have in status toward their work of compliance by January 15, 2022. CCSD would then have to have SLAs drafted and presented to the district and/or precinct to allow for feedback and review.

The Board moved towards removing ambiguity in the process or guidelines to support compliance more clearly. Specifically, whether there were clear regulations or frameworks related to the SLA negotiation process. In addition, what is deemed "necessary", what is "appropriate", what are the actions you can take, can you remove the superintendent, can you get rid of a board, and what is the enforcement measure? The Board discussed whether a regulation or a request from the Superintendent would be appropriate regarding guidelines, enforcement, and levels of use related to SLAs.

Vice President Newburn supported compliance through the State Superintendent, negotiation, and transitioning to a regulations process, including asking local precincts, the superintendent, and employee association what they feel they need in the regulation to make them clear and what needs to be changed. The regulation process should propel the negotiation process. Member Walker emphasized the importance of engagement with the board of trustees.

The Board agreed to develop an AB 469 Subcommittee to dedicate their attention to the compliance and ambiguity aspects of AB 469. Member Newburn moved to approved. Member Dockweiler seconded.

Clark County School District spoke regarding ongoing negotiations which they hoped to close by December 2021. Superintendent Ebert asked whether the HR system would allow principals to see all qualified candidates; Ms. Nadine Jones, CCSD Chief Human Resources Officer stated that they could only see those that had applied to their school. Deputy Superintendent Felicia Gonzales stated that she would work with CCSD to find a contractor to improve the system. Mr. Jason Goudie, CCSD Chief Financial Officer, reported that schools would be receiving their estimated carryover budgets in January 2022 for fiscal year 2023 based off fiscal year 2020. Mr. Goudie noted that the SLA related to landscaping had been brought to the CCSD Board of Trustees, but it did not pass. Dr. Jesus Jara, Superintendent of CCSD, stated that the priority has been curriculum, instruction, and professional services. Mr. Goudie stated that CCSD is working to improve their system to provide further training and information, as well as a data dashboard, and are looking at the type of compliance issues that may arise in the SLA process.

10: FUTURE AGENDA ITEMS

The Board requested further updates regarding AB 469, and Member Dockweiler expressed that the AB 469 Subcommittee would include future work dedicated to defining “to the greatest extent possible”.

11: PUBLIC COMMENT #2

Stephen Augspurger, Clark County Association of School Administrators, provided public comment regarding agenda item 9, AB 469. *(A summary of the statement is available in Appendix A)*

Ed Gonzalez, Hickey Elementary School, provided public comment regarding agenda item 9, AB 469. *(A summary of the statement is available in Appendix A)*

Jesse Valley provided public comment regarding agenda item 9, AB 469. *(A summary of the statement is available in Appendix A)*

12: ADJOURNMENT

Meeting was adjourned at 7:03 P.M.

Appendix A: Statements Given During Public Comment

1. Lindsey Dalley, Mack Lyon Middle School/Moapa Valley High School SOT (School Organizational Team)/Moapa Valley Community Educational Advisory Board, submitted public comment regarding agenda item 9, Assembly Bill (AB) 469.
2. Wendy Mulcock, Moapa Valley Community Educational Advisory Board, submitted public comment regarding agenda item 9, AB 469.
3. Alison Clark submitted comment regarding conflicting Clark County School District (CCSD) and State policies.
4. The Nevada State Education Association submitted public comment regarding the Nevada Department of Education's (NDE) ARP ESSER State Plan.
5. Kristy La Belle submitted public comment regarding COVID-19.
6. Jeff Church submitted public comment regarding various education policies.
7. The Nevada Association of School Administrators submitted public comment regarding agenda item 9, AB 469.
8. Kenneth Paul, Principal, Mack Lyon Middle School, provided public comment regarding agenda item 9, AB 469.
9. Syrisa Jolley, SOT Chair, Mack Lyon Middle School, provided public comment regarding agenda item 9, AB 469.
10. Ed Gonzalez, Hickey Elementary School, submitted public comment regarding agenda item 9, AB 469.
11. Stephen Augspurger, Clark County Association of School Administrators, provided public comment regarding agenda item 9, AB 469
12. Ed Gonzalez, Hickey Elementary School, provided public comment regarding agenda item 9, AB 469.
13. Jesse Valley provided public comment regarding agenda item 9, AB 469.

Item A1, Lindsay Dalley

CCSD recently proposed negotiating a Pilot Program leading to implement identified AB 469 provisions and went to Stephen Augspurger to develop an MOA for Moapa and Virgin Valleys. Within 5 days our school precincts responded with a proposal of 3 simple ideas.

1. Landscaping & Grounds: Give precincts the money that would be spent on rural school grounds or CCSD can find an outside local contractor.

A. BACKGROUND:

- a. CCSD already failed to find outside contractor and refused to give answers.
- b. CCSD said this was held up in purchasing but still wouldn't give precincts a copy of the contract.
- c. We called all landscaping companies in Mesquite and none said CCSD had contacted them. (There are no companies in Moapa Valley.) They would be interested if CCSD would call.

2. Hold harmless for surplussing rural staff and teachers.

A. Steven Augspurger noted: It should be easy for rurals as no urban surplussed teachers ever want to drive 60 to 90 miles to take a rural teacher's place.

3. Transportation: We currently have a Rural Transportation Supervisor, but we wanted to document that for the future because it currently resolves 95% of transportation issues and we want to keep it.

CCSD verbally stated they didn't want to move forward, only wanted to take "baby steps" and form a "committee to study options" and take things back to the Trustees. In CCSD, committees are the place good ideas go to die. Our SOTs feel this is a stall or diversion tactic to avoid AB469 compliance and further adds to the CCSD "illusion of compliance" by avoiding local autonomies through AB 469.

Note; AB 469/388G specifies negotiations between the School Associate Superintendent/Superintendent, and the School Precinct, not the Trustees. This is why the current CCSD structure is broken and the legislature saw fit to "reorganize the large school districts."

Further note; Any autonomies already granted to the school precincts by the legislation do NOT have to go back to the Trustees to negotiate a Precinct SLA Agreement.

Thank you,

Lindsey Dalley
cell: 702-682-5415

Item A2, Wendy Mulcock

Dear State Board of Education,

I am the current chair of the Moapa Valley Community Education Advisory Board. We are part of CCSD's rural constituents. Our state provides no rural school funding within Clark County, even though CCSD has the 4th largest rural student population within the State. Here's a simple example of rural inequity: If a child is hungry in Las Vegas, he/she can gather coins in their couch and walk to 7-11 to buy some ramen. A rural child doesn't have that luxury.

Thank you for allowing us the recent opportunity to testify of our frustrations with CCSD. We have been looking forward to seeing changes. We have been hoping to see these issues discussed in trustee board meetings as you asked them to do. Unfortunately, we have not heard these discussions happening, our problems still exist and we respectfully would like to know how long must we wait?

Once again, I submit to you some of those issues:

Since the passage of AB469, our schools (AKA: CHILDREN) have lost teachers, even though in Sec 19 SubSec 3 or 388G.670 SubSec 3. it states, CCSD ". . . must ensure that any specialty school or **rural school** that exists on May 8, 2017, or before the school district becomes a large school district continues to receive **not less than** the proportionally larger amount of money that was used to fund the specialty school or rural school before those dates." CCSD is in violation of this law.

Our high school has lost 3 teachers in a 4 year span, with no enrollment change. This caused deterioration in educational flexibility. When we loose teachers, we loose entire programs. For instance: we had to completely eliminate Drivers Ed, Photography, and Graphic Design. This is the same for our middle school. When we lost funding for two teachers, it resulted in completely losing our Art program and our Library program: all with the same enrollment.

In the past 14 years, our High School has lost Choir, some Art, Women's Studies, Film Studies, Piano, Fashion Design, some Culinary Arts, Drivers Ed, Photography, some Science, some English, Auto Shop and Graphic Design. It feels like we are moving backward in time, not forward.

The Urban model for rural elementary schools does not fit rural schools because entire grades can be left without a teacher (this happens yearly at Perkins Elementary). Our principals spend weeks trying to get those teachers reallocated, only to go through the same process next year. You wonder why we have to save some money in our carry-over budgets each year, we are constantly having to be creative to keep what little we still have. That gets exhausting and shows a huge disconnect. How many teachers do we have to "save" next year? Why must we constantly be asking our teachers to give up their prep hours to take on this burdensome load?. In these troubling circumstances, it is our children who suffer the most.

We do not have all the wrap-around services as the urban areas in our district have. In order to meet the mental health needs of our children and their families, we have put a targeted community-wide effort in place since these needs are not being met by the district. We must do everything possible to prevent suicides and their attempts. One life lost to suicide would have long lasting effects on everyone in our small valley. We would like to make a weighted request that you encourage CCSD to allocate Mental Health funds to individual SOT's so they can help meet the individual mental health needs at each school.

Respectfully,

Wendy Mulcock
MVCEAB Chair
(702) 353-7451

Item A3, Alison Clark

Dear Nevada State Board of Education,

I am writing this letter to bring to your attention the discrepancy of Clark County School District policy 5138 in conflict with state policy AB-469 and best practices, and I am requesting you look into these matters and rectify. Administrators at the school level are not given flexibility to do what is best for students and are forced to follow inhumane CCSD policies and relinquish their authority to carry out their responsibilities to students.

Specifically, school principals are not allowed to follow state policies pertaining to the rights of individuals on the LGBTQ+ spectrum, and students are negatively impacted in their educational and mental health outcomes. Three areas I would like to bring to your attention are (1) the district's prohibition of students using facilities that are consistent with their gender identity, without undue burden; (2) the directive from the district to deny gender diverse students the ability to have their "common use, every day" names be used formally and informally in student records, their classroom, on rosters and attendance lists, yearbook, etc. is disparate treatment from their peers requesting nicknames be used without prior parental authorization or court order (3) the district's lack of written guidance on how school's grant, review and revise gender support plans and transfer them across school campuses following a student's enrollment, which creates challenges and risks to violating FERPA and denying opportunities for students and their families to review and update accommodations annually.

Collectively, these concerns if not addressed, may implicate liability for individual schools that are following district policy while inconsistent with state policy, potentially infringing on students' rights. Some recommendations to address these concerns are as follows:

- (1) Students should be allowed to use school facilities aligning with their gender identity without undue burden. The current policy violates the Places of Public Accommodation Law (NRS 651.070) and their rights to use facilities aligning with their gender identity and having access to single stall gender neutral facilities. Having to use the nurse's bathroom causes undue burden because it is out of the way, and there is only one location. In addition, the Supreme Court refused to hear a case (Grimm v. The School Board Gloucester County, Virginia) that challenged the rights of transgender students to use the gender bathroom of their choosing. CCSD policy is not consistent with other large school districts in Nevada such as Washoe County.
- (2) Students should not be treated disparately when requesting use of their every day names and pronouns solely on the basis of their gender identity. There is no state law requiring students to legally change their names on any school records.
- (3) Students' private educational information needs clear, accessible guidelines regarding how to transfer plans from one school to another, as well as update and revise them. Schools should have the autonomy to implement and oversee these procedures as with any accommodations.

Sincerely,

Alison Clark
Muddyclark7@gmail.com
87 Zimmerman Street Henderson, Nevada 89002

Item A4, Nevada State Education Association

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. NSEA is Nevada's state affiliate of the National Education Association. Leading to the passage of the American Rescue Plan, the NEA was a leading voice for significant federal investment in public education to address the impact of the COVID-19 pandemic on our schools. NEA members wrote hundreds of thousands of messages and placed thousands of calls to their representatives advocating for Congress to pass this package containing the largest investments ever in education.

Earlier this month, NSEA submitted the attached public comment on Nevada's ARP ESSER State Plan. NSEA is in general agreement with the top issues identified in Nevada's draft state plan— supporting social, emotional and mental health, addressing interrupted learning, and recruiting, supporting, and retaining effective educators. In terms of plan details, NSEA continues to have concerns about reliance on standardized testing and the toll of these tests on students and educators, especially during these pandemic years. NSEA made additional comments related to social and racial equity, the comprehensive needs assessment, guidance given to local education agencies, and educator recruitment and retention. As plan development continues, we remind leaders the American Rescue Plan requires state education agencies to engage with educators and their unions in plan development.

As Nevada students and educators head back to school, the safe reopening and operations of schools is foremost on our mind. NSEA appreciates Governor Sisolak's Emergency Directive related to mask requirements in K12 education settings. However, given the impact of the Delta variant across the state, we believe there should be additional guidance on this issue to all Nevada school districts. Meanwhile, we are increasingly concerned for the safety of students, educators, and even school board members, not only from the COVID virus, but from groups of people who have become agitated over masking mandates, vaccinations, and COVID-related exclusions. Just in the last month, numerous school boards have been shouted down, educators have had their masks pulled off and have been spat on, and some people have shown up to school protests armed with assault rifles. We've even seen multiple school board resignations over these issues. We would ask state leaders to take a closer look at these most concerning issues and work together to ensure the safety and well-being of all our students and educators facing these unprecedented threats.

Item A5, Kristy La Belle

To whom it may concern,

This is a violation of our 1st and 14th amendments of the constitution.

“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”

<https://www.bitchute.com/video/6e1voHespLgk/>

The Dictator (Governor) does not have the power to make law!!!! You are blindly making decision you have absolutely NO RIGHT TO MAKE. Have you personally done any of your own research, or are you just following the masses and believing what you are told to believe? Because you are certainly discriminating against any persons’ choice to not be involved in the current worldwide human experiment happening with COVID-19. Please remember that the survival rates for covid, without treatment (which there is), are the following:

- Ages 0-17 - 99.998%
- Ages 18-49 - 99.95%
- Ages 50-64 - 99.4%
- Ages 65+ - 91%

If the survival rate for children 0-17 as shown above is 99.9% and young adults are 99.95% then why are we even having to have this conversation? It is abuse, and neglecting of your duty as a peoples elected official to sit in that seat and require anything that takes away a person’s right to choose! We are co-educators, not co-parents or for that matter you do not have a medical license to request or require any of these students to abide by these COVID-19 guidelines. For those who do carry a medical license and see fit to require or request another person’s free will, maybe you are unaware that the companies making these jabs are free from any liabilities for this experiment. Does that mean you are holding yourself liable if complications may arise after this forced jab? Are you willing to take that responsibility? It is against the Constitution of the United States of America for you to request or require any medical test or Vax for myself or my child/children. A man can CHOOSE to be women and a women can CHOOSE to abort a fetal life, but WE THE PEOPLE CAN NOT CHOOSE what is medically best for ourselves or our children???? I DO BELIEVE YOU HAVE YOUR PROTITIES IN YOUR POCKET BOOK IF YOU DO NOT BELIEVE WHAT IS HAPPENING IS WRONG!

Please remember that the survival rates for covid, without treatment (which there is), are the following:

- Ages 0-17 - 99.998%
- Ages 18-49 - 99.95%
- Ages 50-64 - 99.4%
- Ages 65+ - 91%

The testing YOU are requiring on our people is being recalled by the FDA shown here...

Class 2 recall “The firm identified a precipitation issue which may cause late Ct reactors (a false positive result) with a rate of 5 to 10% for affected vials of RNA Master Mix.” If a student athlete or parent decides against said test you are “discriminating” against them by not allowing them to play.

Link for recall info:

https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfRES/res.cfm?start_search=1&event_id=&productdescriptiontxt=RT%2DPCR&productcode=&IVDProducts=&rootCauseText=&recallstatus=¢erclassificationtypetext=&recallnumber=&postdatefrom=&postdateto=&productshortreaso.txt=&firmlegalnam=&PMA_510K_Num=&number=&knumber=&PAGENUM=500

Vaccines:

First off, it's technically not a vaccine, even by definition. The patent most of them are filed under is a MEDICAL DEVICE. IT'S AN EXPERIMENTAL DEVICE. Now you want to force people to be a science experiment against their will. Honestly my biggest issue with vaccines is that they should not be MANDATED onto anyone, ESPECIALLY CHILDREN. Especially when there is a 99% recovery rate for most people! 99% recovery rate!!!! If you'd like to willingly be a science experiment, I have no problem with that.

Let me put this another way. If you get the Jab and I choose not to, you can still get COVID-19 (with “potentially” less symptoms) as well as spread it just as I can. Once again why are we even having this conversation? But if we have both had covid-19 and survived we cannot get it again nor spread it? There also shouldn't be any restrictions if you choose to get vaccinated or not, that is called discrimination. We all have free will and it should be your choice if you want it or not. Consent and transparency should also be given about any drug or vaccine and that is not currently being done.

Nothing will ever be as strong as your own body's immunity. Take care of your body, eat healthy, exercise, be spiritual and everything will be okay.

<https://science.sciencemag.org/content/373/6555/648/tab-pdf>

<https://pubmed.ncbi.nlm.nih.gov/34237773/>

<https://dailyexpose.co.uk/2021/07/03/fully-vaccinated-people-have-a-885-higher-chance-of-death-due-to-covid-19-than-people-who-are-unvaccinated-according-to-official-data/>

<https://www.sciencedirect.com/science/article/pii/S1201971221003647>

Masks:

If officials say hand hygiene and surgical masks work, how is it possible that in 2020 the flu decreased by 98% but covid continues to increase, WHEN THEY'RE BOTH AIRBORNE ILLNESSES?!?!!

https://m.theepochtimes.com/former-fda-commissioner-says-social-distancing-mandate-wasnt-based-on-clear-science_3742844.html?utm_medium=epochtimes&utm_source=telegram

Many more links I can share.... Mommyluvskhloejane@yahoo.com

Item A6, Jeff Church

Three Issues for now or the future:

1) I ask the Department of Education to reach out to the office of the Governor to change current Covid directives to local school boards. The easiest solution is grant them authority to act in the best interests of their district but the current directives allowing counties less than 100,000 to "go free" in spite of higher Covid per capita rates vs Washoe is insanity. Masks are not highly effective but we pack kids in like sardines. As Spock would say, "highly illogical".

2) I learned of the new Carlin Challenge Academy run by the state for At Risk kids. Sounds like a great idea but, let's have a field trip to look and if it hasn't happened put it in the agenda so the Board, Districts and citizens may learn more about this live-in academy.

3) Social Justice: Various states and localities have adopted similar language to teach unifying diversity as required by NRS, AB261 and others without teaching divisive opinions. the NV DOE should do likewise. Below a sample motion/policy with a common threat nationwide.

SAMPLE STATE LAW FROM <http://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>
(in part for brevity to cover main points)

(6) No teacher shall be compelled by a policy of any state agency, school district, or school administration to affirm a belief in the so-called systemic nature of racism, or like ideas, ...

(7) No state agency, school district, or school shall teach, instruct, or train any administrator, teacher, staff member, or employee to adopt or believe any of the following concepts: (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race; (d) members of one race cannot or should not attempt to treat others without respect to race; (e) an individual's moral standing or worth is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race; (i) fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.

Additionally I suggest the following:

- Except as otherwise required, the School District shall offer an Opt-Out policy to parents or guardians.
- The School District shall allow and encourage parents or guardians to sit in on any diversity training providing such can be accommodated by the school.
- All text books and lesson plans shall be available to the public.
- All Diversity related courses and lesson plans shall first be approved by the School Board of Trustees in open public meeting.
- Said courses such be taught under History, Civics or Social Studies unless mandated otherwise.

Views are mine!

Jeff Church
WatchDogJeff.com

Item A7, Nevada Association of School Administrators

The Nevada Association of School Administrators (NASA) supports the principles in AB 469, which have been solidified in NRS 388G, and are thankful that this law helps schools better ensure equity for all children. NASA continues to offer high level professional development for all educators surrounding such autonomies and is here to partner and assist in any fashion with professional development, to help school leaders collaboratively lead their greater school communities in achieving optimal student achievement success - increasing student achievement and closing achievement gaps for ALL kids.

Item A8, Kenneth Paul

Principal Paul addressed AB 469 and an early report that indicated that CCSD administration had oriented itself toward a more decentralized site-based decision-making model. The limitation of the reorganization depends on the Superintendent and Board of Trustees, and particularly their will to transfer budget responsibilities to local schools. While NDE has new responsibilities to monitor the reorganization and if necessary, create regulations or take other steps to ensure implementation, CCSD and their collective bargaining units have a responsibility to recognize the parts of their contracts that conflict with the reorganization and address these issues. The community must engage with schools to ensure they are responsive to that community.

Principal Paul referenced Stravinsky of the Edmonton Journal, who insists that schools know best how to spend their money and introduced the idea of school-based budgeting as far back as 1976. Effective reorganization makes the schools the focus of the districts operation. Typically Superintendents and Boards receive funds and disperse them to various departments, but none of those people are responsible for the results of a school. Attempts at negotiation regarding a rural pilot failed before they began.

Principal Paul closed with the statement that it ultimately comes down to which model – centralized or decentralized – will have the greatest impact on student academics and operational efficiencies.

Item A9, Syrissa Jolley

Ms. Jolley noted that the only ways to implement change are to set deadlines and follow through with accountability. Deadlines were set by the Board on June 3, 2021. CCSD proposed negotiating a pilot program to implement identified AB 469 provisions; within 5 days, schools precincts responded with the requested information. CCSD then verbally stated they didn't wish to move forward as they needed more time. This provides the illusion of compliance only. All correspondence must be in writing in order to provide a paper trail for accountability. In addition, while the district has legal representation, what representation is available to the schools? Ms. Jolley gave a call to action for implementation of AB 469 with fidelity and accountability.

Item A11, Ed Gonzalez

To the Members of the State Board of Education,

Today I am here to speak about Item 9 and implementation of AB 469.

As many members know, I was a legislative staffer and worked on the original CCSD Reorganization bill (AB 394) and have been a member of multiple School Organization Team. Currently I am a community member of the Hickey Elementary SOT.

I want to highlight some issues that has not been previously discussed.

It has been apparent for the last five years that the Clark County School District will not implement AB 469 as required necessitating action by the State Board of Education.

In the 2019 Nevada Legislative Session during the hearings on SB 469, Clark County School District CFO Jason Goudie said the district is “required to perform services while providing that money to schools.”

Goudie’s mindset is the reason I believe CCSD struggles with this law and is constantly misapplying it.

Furthermore, we have seen some responsibilities that we transferred prior to the Joint Implementation Plan such as Custodian/Maintenance and Site-Based Technicians are not listed as Service Level Agreement and are not offer the same protections. They are listed as Budget Modifications and are attached.

We have also heard since the last meeting from principals that CCSD’s Landscaping Department was visiting schools and declaring school sites in reports as “deplorable”. If I were providing a service to you and label it deplorable, you would start looking for someone else to use. Yet principals still do not have that option that is required under the law.

Finally, we have seen during the first two weeks of school the traditional struggles with providing transportation to students. We have sadly come to accept this as normal.

During the same SB 469 hearing in 2019, Twitchell Elementary SOT parent member and now University Regent Byron Brooks mention that his school had one of the highest tardy rates in CCSD. His hope was to have a conversation with CCSD though the SLA to rectify that situation. Sadly, the way CCSD enforces the Reorganization, that conversation never happened.

It is important as we move forward to implementing AB469 properly that these issues and others are address.

Thank you,

Ed Gonzalez
Community Member
Hickey Elementary School Organizational Team.

Item A12, Stephen Augspurger

Mr. Augspurger does not believe there has been a good faith effort on the part of CCSD to implement AB 469. In section 41 of the original bill, it speaks to the Legislature's seriousness about decentralizing CCSD. It states what takes precedence, and that is the reorganization of each large school district from a centralized operational model to a more decentralized and economist site-based operational model. One of the most important pieces of this bill is the ability of the principal to select the teachers that work in their building, not having CCSD assign teachers to schools. Upon filing a lawsuit, the teachers union, support staff union, and CCSD were against this change. They are an obstacle to school principals even though they should be on their side. Finally, until per-pupil funding is in place, the funding mechanism is still flawed. If we had more autonomy and decision making at the local level, if the funds were there, if control and discretion over those funds were available, he believes that academic achievement would improve.

Item A13, Ed Gonzalez

Mr. Gonzalez highlighted the importance of bringing in the Clark Board of Trustees, who have not been engaged in this process. He noted issues with SLAs, transportation and utilities, the ratio of school associate superintendents, and carryover dollars. Specifically, carryover dollars should be available to schools all year long. He also noted the issues of financial transparency with the central system.

Item A14, Jesse Valley

Ms. Valley noted that there needs to be a procedure in place teach school organizational teams and principals what to do when the district isn't in compliance, as well as reinforcement measures and potential consequences.

Appendix B: Support Documents Provided to Accompany Public Comment

1. Nevada State Education Association, Comments on Nevada's ARP ESSER State Plan
2. Ed Gonzalez, Elementary and Secondary Schools – Custodial Service Personnel Guidelines
3. Ed Gonzalez, Elementary and Secondary Schools – Site-based Technician Guidelines

Item B1, Comments on Nevada’s ARP ESSER State Plan

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. NSEA is Nevada’s state affiliate of the National Education Association. Leading to the passage of the American Rescue Plan, the NEA was a leading voice for significant federal investment in public education to address the impact of the COVID-19 pandemic on our schools. NEA members wrote hundreds of thousands of messages and placed thousands of calls to their representatives advocating for Congress to pass this package containing the largest investments ever in education. NSEA is now taking this opportunity to submit public comment on Nevada’s ARP ESSER State Plan.

PROCESS CONCERNS

Before providing input on details of the state plan, we first want to take this opportunity to raise concerns about the stakeholder process in its development. The section “Modeling and Sharing Best Practices for Meaningful Stakeholder Engagement” begins on page 14 and outlines the stakeholder engagement process including a list of 36 stakeholder groups engaged to guide the development of the plan. However, NSEA was not included in that initial process, despite language in the ARP requiring SEA’s to engage with “educators and their unions” in the development of the plan. In addition to this, the Nevada Department of Education offers guidance to LEA’s in the development of their plans. While the requirement for LEA’s to engage with “educators and their unions” is mentioned, it does not engender confidence LEA processes are going to be any better than the state process. Immediately following the release of the draft plan, NSEA reached out to the State Superintendent of Public Instruction. We appreciate the quick scheduling of a feedback session for educators and their unions on the draft plan. However, it would have been better to have been included in the development of the draft plan, as called for in the ARP.

MEASURING ACADEMIC PERFORMANCE

NSEA is in general agreement with the top issues identified in Nevada’s draft state plan— supporting social, emotional and mental health, addressing interrupted learning, and recruiting, supporting, and retaining effective educators. However, we do have comments on several details of the plan. The section “Leveraging Data to Identify Groups of Students Most Adversely Impacted by COVID-19” begins on page 15. This section discusses measuring student academic performance using various standardized tests including the SBAC and student growth using a skip-year analysis based on the results of these assessments. NSEA continues to have concerns about reliance on standardized testing, and the toll of these tests on students and educators, especially during these pandemic years. The time and pressures associated with standardized testing work against two of the three top issues identified in the state plan—supporting social, emotional, and mental health and supporting and retaining effective educators. In internal surveys, NSEA has consistently found over-testing as a top concern of educators across the state. Meanwhile, we have seen poor data quality in testing results, given distance and hybrid school models, and we know standardized tests continue to reflect racial bias. Other indicators to measure interrupted learning, including attendance, credit sufficiency, graduation rates, teacher information, discipline data, school climate survey results, and financial information should be buttressed by feedback from classroom educators on student performance, who have a better appreciation for the impact of the pandemic on their students, particularly in the elementary grades.

COMPREHENSIVE NEEDS ASSESSMENT

The section “Maximizing Resources to Respond to the Needs of Students Most Adversely Impacted by COVID-19” is on page 18. This section calls for contracting with an education evaluation firm to conduct a statewide comprehensive needs assessment. Given process concerns outlined above in the development of the draft state plan, NSEA wants to ensure educators and their unions play a central role in the development of this needs assessment.

SAFELY REOPENING SCHOOLS AND SUSTAINING THEIR SAFE OPERATIONS

Table B1 on page 20 outlines Emergency Directives and guidance that have implications for school settings. Universal and correct wearing of masks for all adults and students over the age of 9 is mentioned. However, the document, when drafted, did not contemplate the severe pushback school districts, school boards, and educators would receive over this issue. With the emergence of the Delta variant and rising COVID cases in Nevada, including younger people, and vaccines not yet being available to children under 12, this has become an

increasingly charged issue heading into the start of the school year. NSEA appreciates Emergency Directive 048 related to mask requirements in K12 education settings issued by Governor Sisolak last week. However, given the impact of the Delta variant across the state of Nevada, we believe there should be additional guidance on this issue to all Nevada school districts.

Guidance Memorandum 21-02 from May 28, 2021 gives decision-making authority on capacity limits and social distancing protocols to LEA's but also sets the expectation that schools will all be open with the capacity to offer in-person learning to all students. This guidance from late May does not reflect the developments in COVID-19 in Nevada with the Delta variant and does not take into account how politically-charged these issues have become at school board meetings. With the rise of the Delta variant and the return to school, Nevada should be prepared to expedite vaccinations of students under 12 as soon as possible. Vaccination requirements for students and educators should be considered and school districts should be encouraged to collaborate and bargain with educator unions, so all educators and students can be safe and appropriate accommodations made. Ultimately the success of school reopenings will largely be dependent on the state's success in getting the Delta variant under control.

The TIES program is presented on page 21, as a mitigation strategy for diagnostic and screening testing. This program is an example of a state initiative that was developed without input from educators across the state or their state union. \$6.2 million from the CARES Act was spent, yet the program was never embraced by those it was supposed to serve, resulting in too few educators tested. The TIES program was a failure and points to the need for true engagement with educators across the state. Meanwhile, in other parts of the state like Washoe County, the district was able to offer testing through their existing health option, which was familiar to educators there, and worked reasonably well.

EDUCATOR RECRUITMENT, SUPPORT, AND RETENTION

The issue of support for educators and educator recruitment and retention is identified as a priority in the state plan. We agree with this and would point out when educators and their unions are left out of processes that impact them, not only is their voice and perspective missing, it also negatively impacts morale, further harming retention efforts. NSEA generally agrees with the recommendations of the educator recruitment and retention task force and would emphasize workplace issues like class size and caseloads, evaluations, standardized test time, and devaluing educator voice and agency in their work as major factors not adequately addressed in this plan.

LOCAL EDUCATION AGENCIES

Page 34 discusses distribution of ESSER I and ESSER II dollars to LEA's. We have heard concern from various school districts about confusion and delays in accessing these funds, although it is difficult for us to discern exactly what the problems are and/or who is responsible. We do know decisions regarding a majority of ESSER dollars will be made at the LEA level.

NSEA is very concerned about guidance given to LEA's on page 47 of the ARP ESSER Planning Guide for LEA's related to budget reduction strategies, specifically the design consideration of "delaying pay raises or furloughing non-working staff." This consideration runs counter to the state's overall goal of recruiting and retaining educators, as it is conventionally known that educator pay is a key factor in educator recruitment and retention.

SOCIAL AND RACIAL EQUITY

Page 41 discusses a training provided by the National Equity Project to equip educators to respond to systemic racism and inequities, etc. NSEA has been a leading voice for increased social and racial equity in education. At the same time we have been seeing an unprecedented attack in recent months on educators and schools related to dealing with system racism (or critical race theory). We don't feel school districts or school boards have been adequately supported in this important equity work given the virulent attacks they have faced and would like to see more in this plan to support this critical work.

As always, NSEA is ready to partner with the Nevada Department of Education on the important work of finalizing the state ARP ESSER Plan and on its implementation, so we can safely reopen schools and sustain their safe operation, while supporting social, emotional and mental health of students and educators, addressing

interrupted student learning, and recruit, support, and retain effective educators.

Thank you.

Item B2, Elementary and Secondary Schools – Custodial Service Personnel Guidelines

Clark County Schools Achieve

Strategic Budget Workbook–Allowable Modification

Elementary and Secondary Schools–Custodial Service Personnel Guidelines

A school has the autonomy to staff additional custodial service personnel and/or hours. The following responsibilities of ensuring a clean, well-maintained learning environment aligned with District Regulation 4211 must be met at the school. Refer to the following for additional information:

- If custodial service personnel are currently in positions, these positions and/or hours may not be reduced.
- Schools may elect to share additional custodial personnel and/or hours with another school. Schools need to consider work conditions and compensation for potential travel between schools.
- Based on the addition of hours that may impact custodial service personnel classifications and employee benefits, contact the school’s Human Capital Management Director in the Human Resources Division, as positions may need to be advertised.
- If a school has a custodial service personnel vacancy after July 1, 2018, the school may choose to not fill the position and allocate the funds for another purpose at the school.
- Ensure compliance with CCSD/Education Support Employees Association Negotiated Agreement.
- In alignment with the collective bargaining agreement, schools are not necessarily guaranteed their custodial service personnel selection.

School Responsibilities

1. Advertise school-based vacancies and select custodial personnel in a manner consistent with existing Human Resources Division procedures for support staff personnel.
2. Supervise the conduct of custodial personnel as it relates to students, other personnel, parents, and the scheduling and completion of custodial assignments at the school.
3. Evaluate school-based custodial personnel and inspect their work performance.
4. Inspect facility for safety and health, as well as, early identification and correction of dangerous equipment or conditions.
5. Prepare and administer disciplinary documentation when needed consistent with District regulations and the negotiated agreement.
6. Order and maintain custodial supplies and equipment inventory.
7. Assign other custodial duties to the custodial staff as may be required.
8. Complete payroll records and approve leave requests for all school-based custodial personnel.
9. Request substitutes/floater custodians from the Operations Department, as necessary.
10. Ensure all custodial service personnel sign in and out for each shift in the EI/O System.

Operations Department Responsibilities

1. Recommend staffing levels, methods of work, and supplies and equipment to be used for custodial services at all District facilities based on nationally recognized standards and District policies and regulations.
2. Assign substitute custodians to schools upon request, as needed and available.
3. Establish standards of custodial equipment, chemicals, and supplies.
4. Provide training for new custodial hires and existing custodial personnel in all areas of custodial responsibilities.
5. Upon request, schedule carpet extraction and other floor-care needs.
6. Schedule and apply pesticides as needed consistent with District procedures or Integrated Pest Management where applicable at schools.
7. Coordinate the assignment of dumpsters and drop boxes and trash removal.

Clark County School District

January 29, 2018

Item B3, Elementary and Secondary Schools – Site-based Technician Guidelines

Clark County Schools Achieve

Strategic Budget Workbook–Allowable Modification

Elementary and Secondary Schools–Site-based Technician Guidelines

A school has the autonomy to staff additional site-based technicians and/or hours. The responsibilities aligned with the site-based technician, which support the Clark County School District School Technology Support Standards must be met at the school. The technology standards provide a baseline for schools to ensure the availability, safety, and functionality of the technology utilized in the District for learning and school management. Refer to the following for additional information:

- If site-based technicians are currently in positions, these positions and/or hours may not be reduced.
- Schools may elect to share additional site-based technicians and/or hours with another school. Schools need to consider work conditions and compensation for potential travel between schools.
- Based on the addition of hours that may impact the classifications and employee benefits of site-based technicians, contact the school’s Human Capital Management Director in the Human Resources Division, as positions may need to be advertised.
- The pre-qualification of site-based technician candidates will be processed through User Support Services. Site-based technicians must be selected through the qualified pool of candidates.
- Ensure compliance with CCSD/Education Support Employees Association Negotiated Agreement.
- In alignment with the collective bargaining agreement, schools are not necessarily guaranteed their site-based technician selection.

School Responsibilities

1. Select, supervise, and evaluate site-based technicians and authorize their payroll.
2. Provide level-one technical support to users related to client hardware and software. Install District-standard hardware software, peripheral, and associated equipment upgrades.
3. Interface peripheral devices with computers.
4. Maintain competency in current operating systems, desktop computer hardware, and peripherals used in the District.
5. Consult and advise school staff with purchasing of District-supported computer, software, and related equipment.
6. Perform level-one troubleshooting and repair or replacement of client hardware including, but not limited to, desktop and laptop Windows or Macintosh computers.
7. Maintain microcomputer security compliance according to District standards.
8. Maintain accurate reporting of work performed using enterprise-level ticket tracking system, such as CA Service Desk Manager.
9. Assist users with level-one network security issues such as file system rights, account access, and password maintenance.
10. Maintain inventory control of parts required in repairs or replacement.
11. Identify computer software, hardware, and communication problems.
12. Configure hardware and software to match environment.
13. Attend required training provided by User Support Services.
14. Conform to safety standards, as prescribed.

User Support Services Responsibilities

1. Conduct pre-qualification and selection process of site-based technician candidates.
2. Recommend staffing levels, methods of work, and supplies and equipment to be used.
3. Provide start-up technical orientation training, annual refresher and new technology training, level-three and level-four support, and technical assistance to the site-based technician.
4. Provide assistance to the principal when there are questions regarding technology and the coordination of tasks with a paired school or appropriateness of assignments.

Clark County School District

January 26, 2018