

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
AUGUST 16, 2022
3:00 PM**

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

SUMMARY MINUTES OF THE BOARD MEETING

BOARD MEMBERS PRESENT

Felicia Ortiz, President
Mark Newburn, Vice President
Katie Coombs
Dr. Katherine Dockweiler
Tamara Hudson
Tim Hughes
Dr. René Cantú
Dr. Summer Stephens
Malia Poblete

DEPARTMENT STAFF PRESENT

Jhone Ebert, Superintendent of Public Instruction
Dr. Jonathan Moore, Deputy Superintendent of Public Instruction
Felicia Gonzales, Consultant to the State Superintendent

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE

Via videoconference

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

Meeting called to order at 3:00 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

No public comment.

3. 2:00 P.M. PUBLIC HEARING FOR REGULATION #R063-22

President Ortiz called the hearing for R063-22 to order at 3:06 P.M.

Felica Gonzales, Consultant to the State Superintendent, provided an overview of the proposed regulation [R063-22](#) and the changes that were implemented since the previous hearing.

Dr. Brenda Pearson, Director of Strategic Policy Initiatives, Clark County Education Association, provided public comment regarding agenda item 3. *(A complete copy of the statement is available in Appendix A.)*

Kellie Kowal-Paul, Chief Strategy Officer, Clark County School District, provided public comment regarding agenda item 3. *(A complete copy of the statement is available in Appendix A.)*

Jeff Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees provided public comment regarding agenda item 3. *(A complete copy of the statement is available in Appendix A.)*

Member Summer Stephens asked if this regulation was only applicable to Clark County School District or if Washoe County School District was included as well. President Ortiz responded that it is only applicable to Clark County because the regulation states that it applies to any school district with 100,000 students or more.

Member Stephens noted Ms. Gonzales comments regarding the removal of the wording “to the greatest extent possible” and stated that the phrase is used in a different context further down in subsequent sections and asked for clarification. Ms. Gonzales responded that “to the greatest extent possible” is part of this regulation, it was not meant to bull out the language. What was in an earlier version of the language was defining the words “to the greatest extent possible” so the definition was removed and is not included in the final version that is seen today.

Member Tim Hughes noted the comment regarding the cost piece and asked for clarification. Deputy Attorney General David Gardner responded that it is based on a case that the Supreme Court decided years ago. Based on his analysis and discussions with the Legislative Council Bureau (LCB), we disagree with CCSDs belief that case prohibits this Board from moving the cost to CCSD. We believe that this is allowable.

Vice President Mark Newburn moved to approve R063-22; Member Tamara Hudson Seconded. Motion passed unanimously.

4. PUBLIC COMMENT #2

No public comment.

5. ADJOURNMENT

Meeting was adjourned at 3:23 P.M

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

1. Dr. Brenda Pearson, Director of Strategic Policy Initiatives, Clark County Education Association, provided public comment regarding agenda item 3.
2. Kellie Kowal-Paul, Chief Strategy Officer, Clark County School District, provided public comment regarding agenda item 3.
3. Jeff Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees provided public comment regarding agenda item 3.

APPENDIX A, ITEM 1: DR. BRENDA PEARSON

My name is Dr. Brenda Pearson and I represent the Clark County Education Association. CCEA bargains for all licensed educators in the Clark County School District and is the largest independent teacher's union in the State and in the Country. Before this Board today was a short presentation on the proposed regulation for NRS 388G.590 of which CCEA stands in support. The new regulation provides clarity and guard rails to the selection of staff, ensuring that the selection of staff one, aligns with the school's plan of action, two, ensure that if available, a qualified licensed educator is hired before a substitute and three, ensures the principal does not engage in discriminatory practices. Furthermore, the proposed regulation adds a layer of accountability and transparency to the implementation of NRS 388G.590 by proactively ensuring that the annual training occurs at all levels of CCSD, including the Board of Trustees and administrators and biannual reporting occurs to understand how the "term to the greatest extent possible" is implemented when filling vacancies in CCSD school precincts. CCEA would like to express our appreciation to both the Legislative Council Bureau and members of this Board who worked to address CCEAs concerns. CCEA believes that the addition of clarifying language regarding selection of staff and an additional layer of accountability will ensure the implementation of NRS 388G.590 helps create a public education system that drives student success. Thank you.

APPENDIX A, ITEM 2: KELLIE KOWAL-PAUL

Good afternoon. Kellie Kowal-Paul for the record, and I am the Chief Strategy Officer for the Clark County School District. Section four of this regulation expands the existing administrative dispute resolution requirements to apply to any dispute related to the reorganization and imposes costs on large school districts attached to the process, including the State level appeal and any provisions imposed as a result. The district respectfully maintains that the requirements of this section are outside of the authority of this Board to impose. NRS 388G.590 provides for this Board to adopt regulations it deems necessary and appropriate to carry out the provisions of NRS 388G. Although it is the intent of the district to ensure that any allegation of retaliation by a district employee against any individual for any reason would be thoroughly investigated and responded to accordingly. This is not an expressed provision of NRS 388G and therefore both the existing dispute resolution regulation and the expansion of the applicability of that regulation under section four of the proposed regulation are outside of the authority of this Board under that statute. In addition, expansion of the existing dispute resolution process to any dispute related to the reorganization at best provides an unnecessarily duplicative and costly avenue for compliance disputes and at worst undermines the corrective action processes recently adopted by this Board and the authority of the Superintendent of Public Instruction granted by statute. Finally, administrative agencies in Nevada this Board included are not permitted to create or impose new fees or explicit financial obligations through the rulemaking process without express statutory authority granted by the legislature. No such authority has been granted to this purpose. Therefore, the responsibility for the costs of dispute resolution and resulting consequences are beyond the authority of this Board to impose. The district respectfully requests the removal of section four from this proposed regulation. Thank you.

APPENDIX A, ITEM 3: JEFF HORN

Good afternoon, President Ortiz. My name is Jeff horn. I am the executive director with the Clark County Association of School Administrators and Professional Technical-Employees. I appreciate the work of this Board and cooperation with Ms. Felicia Gonzales and coming to hopefully an end to the regulatory language. We are in support of this language, and we hope that version 5.0 or whatever it might be at this point gets passed and is codified int 388G. We're looking forward to finalization of this and I'm happy to say my counterpart from CCEA now we're in agreement on this topic and look forward to being in agreement and more topics to come. So, thank you for your time.