

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
ASSEMBLY BILL 469 SUBCOMMITTEE MEETING
SEPTEMBER 14, 2021
3:00 PM**

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

SUMMARY MINUTES OF THE BOARD MEETING

BOARD MEMBERS PRESENT

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

DEPARTMENT STAFF PRESENT

Jhone M. Ebert, Superintendent of Public Instruction
Felicia Gonzales, Deputy Superintendent for Educator Effectiveness and Family Engagement
Tina Statucki, Education Programs Professional

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE

Kenneth Paul, Mack Lyon Elementary School
John Vellardita, Clark County Education Association

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

Meeting called to order at 3:0 P.M. by Chair Katherine Dockweiler. Quorum was established. Chair Dockweiler led the Pledge of Allegiance.

2. PUBLIC COMMENT #1

John Vellardita, Executive Director, Clark County Education Association, provided public comment regarding Assembly Bill (AB) 469. *(A complete copy of the statement is available in Appendix A)*

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

3. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE IMPLEMENTATION OF ASSEMBLY BILL 469 (2017)

The Subcommittee reviewed the letter sent by Clark County School District (CCSD or District) regarding items that the Subcommittee felt needed additional information based on the CCSD 2019 Implementation Report. The fifth question asked by the Subcommittee, regarding an update on the human resources system which would allow principals to see all eligible applicants, was not responded to. The fourth question asked by the Subcommittee, regarding a copy of the memo sent to local school precincts regarding the new carryover funds process effective fiscal year 2023, included a caveat that CCSD may not be able to determine the correct allocation for some, in which case they would return the 2021-22 school year practice for carryover funds.

Regarding question three, copies of drafts for newly proposed service-level agreements (SLAs), CCSD responded that they had none in development. For question one, CCSD provided a list of board of trustee approved equipment, services, and supplies school precincts may obtain. Question two related to copies of all current SLAs available to school precincts that the school precinct has the authority to administer; 24 SLAs were submitted in response. Upon review however, the authority responsibility and funds have been transferred to the school site budget, and principals do not have access to these funds. Each of the SLAs had an item which stated that changes may be made if the school is dissatisfied with the service, but changes involving reductions in positions or recommendations for outsourcing would require approval of the CCSD Board of Trustees. As such, local precincts may effectively have no authority.

Based upon Nevada Administrative Code (NAC) 388G.120-140, a follow-up meeting with CCSD will be requested to include a timeline for their completion of these requirements related SLAs, and a report of how many school precincts have requested modifications, terminations, or denials of SLAs.

Vice President Newburn asked whether there was a clear and defined process or whether the Board may assist in clarifying the process. Member Tamara Hudson asked how schools could find an alternative service if they opted out of the SLA. Felicia Gonzales, Deputy Superintendent of Educator Effectiveness and Family Engagement, stated that the District would provide a list of approved and vetted vendors, but it was unclear whether CCSD was following that procedure. Member René Cantú asked that questions regarding SLAs be included in the survey for school precinct leaders. Deputy Superintendent Gonzales addressed the possible development of an SLA Procedure Manual, as well as a possible SOT (School Organizational Team) Principal Manual regarding how to access and monitor funds. Vice President Newburn expressed concern regarding the specificity of language in NAC, and Member Cantú stated that a task force of administrators familiar with the procedure would be key in developing a recommended process.

[Convenience Break]

The Subcommittee reviewed drafted survey questions related to the implementation of AB 469. Member Tim Hughes recommended an agree-to-disagree scale rather than open-ended questions for the survey. Member Cantú recommended ending the survey with questions regarding how the process is working for constituents, what's working well, and what they would change.

Deputy Superintendent Gonzales asked for feedback regarding how to ask about clarifying the meaning of the term "the greatest extent possible." Member Hughes suggested situational scenario options including timelines. Regarding "in good standing" and the appointment of educators, Deputy Superintendent Gonzales noted that this would need to include more consideration of circumstances and contextual factors. When should or could a principal reject a candidate when they are looking at the needs of their community, the right skills set, the right fit, etc.? Member Hughes requested clear language regarding substitutes versus teacher candidates; Deputy Superintendent Gonzales confirmed that investigation into these hiring practices in CCSD had been completed and there was no evidence of improper hiring of substitutes over licensed educators. Chair Dockweiler noted that for hiring circumstances, clear conditions and/or evaluations would need to be provided regarding what they are looking for in a candidate.

Vice President Newburn suggested the inclusion of a community oversight committee. Jhone Ebert, Superintendent of Public Instruction, responded that a group of district stakeholders was one option, as was an oversight group of distinguished educators. Deputy Superintendent Gonzales noted that the Board may write a regulation that provides an oversight mechanism or further defines the duties of the Superintendent. Member Cantú asked about the overriding legalities between AB 469 and bargaining agreements and asked for further information; Deputy Superintendent Gonzales noted that such legalities were addressed in a previous presentation by Senior Deputy Attorney General David Gardner. Member Hughes emphasized the importance of framing the survey with the purpose of better serving students; there was further discussion regarding the overall impact of AB 469 implementation within the survey.

Regarding the Nevada Educator Performance Framework (NEPF), the Subcommittee expressed concern with whether it was being implemented with fidelity and to its intent. Member Hudson suggested adding a question to the NEPF regarding performance, while Vice President Newburn noted that principal recommendations do not correlate to educator ratings.

The Subcommittee decided that Chair Dockweiler would review and approve the finalized survey prior to its publication. Deputy Superintendent Gonzales noted that while district-level positions, such as principal, program director, etc. would be identified in the survey, the survey would be anonymous.

4. FUTURE AGENDA ITEMS

No future agenda items.

5. PUBLIC COMMENT #2

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

6. ADJOURNMENT

Meeting was adjourned at 4:54 P.M.

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

1. John Vellardita, Executive Director, Clark County Education Association, provided public comment regarding AB 469.
2. Kenneth Paul, Principal, Mack Lyon Middle School, provided public comment regarding agenda item 9, AB 469.
3. Kenneth Paul, Principal, Mack Lyon Middle School, provided public comment regarding agenda item 9, AB 469.

APPENDIX A, ITEM 1: JOHN VELLARDITA

Mr. Vellardita stated that he participated in drafting the language for AB 469 and sat on the technical advisory committee. AB 469 did not change that the employer of record is the district and that the governing body sets policies of instruction for students. He noted that negotiating salaries, benefits, and conditions of employment also remained with the district. They were given the authority to select staff except as otherwise provided in section 16.1. Responsibilities that were transferred to the precinct/school included risk management services, qualifying employees, services to promote, and legal services. He stated that “greatest extent possible” cannot be better understood without knowing why it was put into the bill, which was in lieu of substitutes of being hired over those in good standing, licensed, etc. Section 32 does not give principals unconditional authority to select staff.

APPENDIX A, ITEM 2: KENNETH PAUL

Principal Paul stated that AB 469 has provided autonomies that have never been implemented at a sufficient level to know if AB 469 is working. There have been small gains but limited flexibility. The key is for 85% total unrestricted budget to have 85% of decision-making resting with the precincts. He mentioned progress in principal staffing autonomy which was a result of the Attorney General's analysis, and issues with service level agreements. A solution would be site-based funded projects. In addition, if 15% of funds remained central, middle management would have a closer shift to communities and schools.

APPENDIX A, ITEM 3: KENNETH PAUL

Principal Paul stated that it has been 5 years since the implementation of SB 543, yet he is one of few commenters, largely due to limited communication about the reorganization. He believed there would be more engagement and support if people are more about it. There is no process to work through the SLA process. He believes that academic achievement and operational efficiency would go up if it were closer to communities and schools. He thanked everyone for seeking site-based perspectives and the thought process behind state-local discussions and meetings between the state and local board. He noted that the administrative turnover is largely due low trust and high centralization.