

**NEVADA DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION  
JANUARY 17, 2019  
9:00 A.M.**

**Meeting Locations:**

<b>Office</b>	<b>Address</b>	<b>City</b>	<b>Meeting Room</b>
Department of Education	9890 S. Maryland Pkwy	Las, Vegas	Board Room (2 <sup>nd</sup> Floor)
Department of Education	700 E. Fifth St	Carson City	Board Room

**SUMMARY MINUTES OF THE REGULAR MEETING  
(Video Conferenced)**

**BOARD MEMBERS PRESENT**

**In Las Vegas**

Elaine Wynn (departed 9:45 a.m.)  
Mark Newburn  
Ashley Macias  
Robert Blakely  
Tonia Holmes-Sutton  
Felicia Ortiz  
Cathy McAdoo

**In Carson City**

David Carter  
Teri White  
Dawn Miller

**DEPARTMENT STAFF PRESENT:**

**In Carson City**

Roger Rahming, Deputy Superintendent, Business and Support Services  
Greg Bortolin, Public Information Officer  
Dave Brancamp, Director, Standards and Instructional Support  
Kris Nelson, Director, Office of Career Readiness, Adult Learning and Education Options  
Will Jensen, Director, Special Education  
Randi Hunewill, Education Programs Supervisor  
Mayita Sanchez, Program Officer 1  
Anne Willard, Education Programs Professional  
Chris Thomas, Education Programs Professional  
Sandra Neudauer, Management Analyst 2  
Karen Johansen, Assistant to the State Board of Education  
Shawn Osborne, IT Technician

**In Las Vegas**

Steve Canavero, Superintendent of Public Instruction  
Alberto Quintero, Education Programs Professional  
Kim Bennett, Administrative Assistant

**LEGAL STAFF PRESENT**

**In Carson City**

Greg Ott, Senior Deputy Attorney General

**In Las Vegas**

David Gardner, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Carson City:**

Debra Amens, Attorney, Amens Law  
Anna Savala Washoe County School District  
Sue Wheeler, ACT  
Andrew Jopling, ACT  
Norma Velasquez-Bryant, Washoe County School District  
Kirsten Gleissner, NWRPDP

**In Las Vegas:**

Rob Askey, Touro University Nevada  
Monte Bay, National University  
Bill Hanlon  
Brenda Pearson, Clark County Education Association  
Myisha Williams, MYS Firm  
Bill Garis, CCASA  
Zane Gray, Sierra Nevada College  
Leonardo Benavides, Clark County School District  
Patricia Haddad, Opportunity 180  
Meredith Freeman  
Lisa Rustand, Clark County School District  
Gwen Marchand, University of Las Vegas  
Andrew Connolly, Clark County School District  
Tom Edwards, Argent Prep  
Barbara Konrad, HOPE

**Call to Order**

The meeting was called to order at 9:00 a.m. with attendance as reflected above.

**Public Comment #1**

There was no public comment.

**Approval of Flexible Agenda**

**Member Ortiz moved to approve a flexible agenda. Member Newburn seconded the motion. The motion carried.**

**President's Report**

President Wynn commented on Governor Sisolak's State of the State address. The Governor discussed his budget and education priorities to elevate student achievement. He called for significant investments to expand the programs the NDE has been working on and to prioritize teachers and school safety.

Today the Board will hear from evaluators who were commissioned by the Legislature to report on the progress of seven of the NDE programs, all which work to support educators and increase student achievement. It appears Governor Sisolak intends to continue these programs which is positive reinforcement of work that has been done over the last decade. Education priorities that were included in Governor Sisolak's budget for education were discussed. President Wynn is supportive of his commitment to ensure students and educators work in safe and respectful environments. Funding is included for the statewide coordination and local support of social, emotional, and academic development programs. President Wynn is encouraged and supportive of the Governor's first budget.

President Wynn announced changes in the composition of the Board. Teri White was appointed by Governor Sandoval before he left office as the Nevada Association of State Superintendents (NASS) representative replacing Dave Jensen. Cathy McAdoo was re-appointed by Governor Sandoval as the NSHE representative, and Tamara Hudson was re-appointed by Governor Sandoval nominated by Speaker of the Assembly.

### **Superintendent's Report**

Superintendent Canavero provided an update on the Superintendent's Teacher Advisory Cabinet (STAC).

Jason Dietrich, Director, Educator Licensure has been appointed as the Interim Deputy Superintendent, Educator Effectiveness and Family Engagement.

Superintendent Canavero discussed a recent report received from the Aspens National Commission on Social, Emotional, and Academic Development titled *From a Nation at Risk to a Nation at Hope*. As the NDE worked through the School Safety Commission during the interim and made recommendations that have been endorsed and carried forward by Governor Sisolak, the matrix regarding school safety prevention, the management of an incident, and recovery of an incident is apparent. Governor Sisolak's speech included a clear priority for all students to have access with an investment in K-12 and an extra \$2 million in Career and Technical Education (CTE) programs.

Superintendent Canavero listed education bills that have been posted and pre-filed:

- A.B. 667 –A+ schools with multiple paths for schools that are in the bottom 5 percent of federal designation
- A.B. 72 – Clean- up bill for school principal turn-around program
- A.B. 35 – Achievement School District
- S.B. 84 – Pre-K program
- A.B. 88 – Clean-up language for average daily enrollment report dates
- S.B. 41 – Commission on Professional Standards to administer disciplinary action for teachers
- S.B. 79 – Chronic absenteeism
- S.B. 89 – School Safety Task Force recommendations

Superintendent Canavero announced that Frank Matthews, from Nevada's Regional Professional Development Program, recently passed away. He was a champion of computer science and technology education in Nevada for countless decades. He has a legacy in the state and will be greatly missed.

### **Approval of Consent Agenda**

- a. Possible Approval of initial licensing for one Nevada private school for a two-year period:
  - Sinousa Virtual High School, Clark CountyPossible Approval of renewal licensing for one Nevada private school for a four-year period
  - Las Vegas Day School, Clark County
- b. Possible Approval of Career and Technical Education Agriculture and Natural Resources Middle School Standards
- c. Possible Approval of Career and Technical Education Health Science and Public Safety Middle School Standards
- d. Possible Approval of Career and Technical Education skill standards for Practical Nursing
- e. Possible Approval of Career and Technical Education, Hospitality and Human Services Middle School Standards
- f. Possible Approval of District Applications to have programs of work-based learning
- g. Possible Approval of Petition for Revocation of the Nevada Educators License for Ruth Kotler
- h. Possible Approval of Minutes: December 13, 2018 State Board Meeting
- i. Possible Approval of Education Gift Fund Report NRS 385.083

Member Blakely requested that Consent Agenda Item 6g is pulled for further discussion and consideration. It

will be placed at the end of the agenda after the regular business has been conducted.

**Member Blakely moved to approve the consent agenda with the exception of 6g. Member Newburn seconded the motion. The motion carried.**

**Election of Officers of the State Board of Education to include President and Vice President**

Superintendent Canavero explained that annually, the Board elects their president and vice president in January. Currently, board members whose terms are over but the position has not been re-appointed, are to remain seated until a replacement is appointed. Given the transition of newly elected Governor Sisolak, the transition and appointments will take time. He encouraged the Board to consider maintaining the officers that are present for the time being, and re-visit this decision as the Board takes shape under Governor Sisolak. He added he values consistency during transitions. It is helpful for the NDE and the districts to see continuity until the Board is fully appointed.

**Member Blakely moved to retain President Wynn and Vice President Newburn as officers of the Board. Member Ortiz seconded the motion. The motion carried.**

President Wynn stated she has enjoyed serving the state through Governor Sandoval's term. A change in politics often results in a change in policy. She noted that Governor Sisolak is determined to continue with the work of the Board for many years. She does not have a desire to remain in office, but on the eve of the Legislature convening and embarking on the weighted funding formula, and to the extent she can provide continuity she is open to continuing to support and lead the Board as their president. Member Newburn said he is honored to continue serving as vice president and agrees there is a great sense of uncertainty with the transition to a new Governor. This is a small measure the Board can take to create a sense of continuity. Education is complex and it will take time for the administration to come up to speed.

**Public Hearing and Possible Adoption of Proposed Amendments to R017-18; NAC 388, as it relates to special education and gifted and talented educational programs.**

The public hearing opened at 9:31 a.m. There were 13 individuals present in Carson City and 16 individuals present in Las Vegas.

Will Jensen, Director, Special Education, stated this regulation represents five years of work to ensure the language is correct. A large body of stakeholders was included in the decision making process and recommendations. The primary function of the regulation is concerning language clean-up and consistency with changes in federal law, and in some cases, state law. An example of language clean-up is the term *mental retardation*, which is outdated and is not consistent with federal law, and has been removed.

Member Ortiz expressed gratitude for the time and hard work put into this regulation.

There was no public comment. The hearing closed at 9:37 a.m.

**Member Newburn moved to approve R017-18. Member Blakely seconded the motion. The motion carried.**

**Information and Discussion regarding the Nevada External Outcomes Evaluation conducted by ACS Ventures, UNLV, and MYS Project Management.** The Legislatively mandated evaluation covers seven categorical programs established or expanded during the 2015 Legislative Session that continue today: Zoom, Victory, Social Workers in Schools, Read by Grade 3, School Turnaround, Nevada Ready 21, and the Great Teaching and Leading.

Dr. Gwen Marchand, Associate Professor, College of Education University of Las Vegas (UNLV) and Director of the UNLV Center for Research, Evaluation and Assessment shared the findings of their most recent evaluation of educational programs in Nevada. She introduced Myisha Williams, NYS Project Management. They are presenting on behalf of Chad Buckendahl, project lead from ACS Ventures.

Dr. Marchand shared a brief overview of the key takeaways from the [report](#) and findings from each of the programs. Overall, the team was cautiously optimistic in their assessment and the initial indicators of program effectiveness for all programs. They recommend continued funding for all seven programs. The programs appear to be responsibly implemented and supported by the state districts and schools. Initial evidence suggests that the educational programs are improving education quality for the children in Nevada. The evaluation drew on data provided by the state and the focus was on state-level outcomes rather than particular districts and schools. The programs are young, and their evidence suggests continued monitoring to provide more nuanced information about models within each program. Information was provided about each program.

Zoom Schools as a group showed linguistic and academic gains. Linguistic gains should contribute to academic gains, and that can be seen by schools star ratings or scores on the Nevada Performance Framework (NEPF). Zoom educators responded to their survey and were positive about the impact of Zoom related professional development on instructional practices and student outcomes. Suggestions and concerns for continuation include thinking about models that might evidence best practices for the implementation of Zoom.

Victory Schools show an increase in achievement of students with SBAC summative assessments in ELA and mathematics between 2016 and 2017-18. The rates indicate that programming funded by Victory schools is having an impact on 3<sup>rd</sup> grade literacy and improved graduation rates that were higher than the state average. Comparisons with other 1 and 2 star schools show students at Zoom schools are improving at a faster rate, particularly in math. There are challenges that remain with concerns about the funding as it is distributed each year, time for implementation to get teachers up to speed with Victory philosophy and programs. There are also concerns about loss of funding when schools reach a 3-star status.

Read by Grade Three (RBG3) is continuing with early literacy focus. For the first time, in 2017-18, the MAP assessment was implemented within all schools which provides an indicator of outcomes of the RBG3. The other option is SBAC that occurs in 3<sup>rd</sup> grade but also includes writing as well as reading. The MAP assessment scores overall are schools that participated in the program for at least three years had a slightly larger increase in their RIT scores across all grades, and decreases in the percentage of students identified as reading deficient in schools that had RBG3 programming for three years compared to schools that had no funding or just started the program. Concerns include the time and resources to carry out program tasks.

School Turnaround is a challenge from an evaluative perspective because there are significant changes related to priorities for funding that recently occurred with emphasis reports of downward trending schools, and it is school specific funding. Schools have leveraged funds and braided support from turnaround with other sources to allow more consistency with systems of support. Even though the achievement findings are inconsistent, likely related to school specific implementation, there are positive responses to early evaluation results. There is substantial variability with how schools are enacting the program which are likely related to differences in need across geographic region and grade levels.

Great Teaching and Leading Fund (GTLF) has been meeting goals set out related to teachers and administrators with an extension to secondary and post-secondary students as part of building the educator pipeline. Funding grants are variable including a range of topics. Case studies identify places where grants are being implemented, and programs that are focused on identifying and recruiting students earlier in the education process have potential to create longer term success in finding teacher candidates who are likely to be retained in the profession.

Nevada Ready 21 is implemented at about 27 percent of the middle schools in the state, following the proposed model for school selection. There is evidence that technology equipment and supply has been provided and research allocation is maximized. Students are showing increased motivation and they are able to take more control of their learning, and they are more comfortable working online, communicating with teachers and researching information. Teachers are able to provide individualized feedback. Educators are concerned about students transitioning to high schools that do not have technology.

Member Ortiz asked if there were red flags in any of the programs that require further evaluation or change? Dr. Marchand said no, it is a bit of a challenge because they are looking at state implementation and do not get into specific programs at the district or school level. She did not see any red flags, rather she mostly sees positive trends but there can be nuances and differences at the school level.

Member Newburn noted CCSD has a very high transitory rate and said the kids that start the year are not the same kids at the end of the year. Dr. Marchand agreed it is a hard problem, but unfortunately they do not have data at the student level, rather they look at the school level. To understand the challenges about mobility, students need to be tracked across schools to look at not just programs, but the children who have been recipients of programs the longest. Having a data system that tracks transiency and allows it to be included as part of an analytic plan is not something that is easy to deal with.

Member Newburn said another big concern is the turnover of teachers and the number of substitute teachers. Dr. Marchand said this falls outside the scope of what they can do with this evaluation and to look across state indicators.

**Information, Discussion and Presentation regarding Career and Technical Education (CTE) Month, which is February that will feature NDE's LifeWorks Initiative.** The board will hear a brief presentation on Career and Technical Education's (CTE) LifeWorks, the strategic partnership between Nevada government agencies, K-12 public education, business and industry leaders and the Nevada System of Higher Education. In 2017, 10 states received funding from JP Morgan Chase & Co through the New Skills for Youth Grant to execute action plans to strengthen and expand career pathways for youth, Nevada's Career and Technical Education programs are being aligned to industry needs and all youth are receiving preparation with the skills needed in the New Nevada. As part of national CTE Month, the department will celebrate the achievements and accomplishments of this initiative and promote Nevada's CTE programs.

Kris Nelson, Director, Career Readiness, Adult Learning and Education Options, thanked the Board for their continued support for Career and Technical Education (CTE). The CTE programs offer students opportunities and prepares them to graduate high school College and Career Ready, which is the goal of CTE and the Career Pathway works that LifeWorks supports. Career and Technical Education continues to be supported by the state and newly elected Governor Sisolak; it is the foundation of the career pathway. There are 79 CTE programs in six program areas, and they come to the Board for approval and then are put into regulations. The students in CTE programs graduate at a rate of 11 percent higher than non CTE students. Ms. Nelson provided a brief history of CTE beginning with the emergence of Vocational Education.

Dr. Dawn Burns, Chief Strategy Officer, New Skills for Youth showed a video that depicts LifeWorks preparing Nevada students for success, and conducted a PowerPoint [presentation](#) about CTE month and the Lifeworks Initiative. The New Skills for Youth grant is now branded as LifeWorks. The goal of LifeWorks is to inspire young people participation for planning life beyond high school. Whether they are interested in a 4-year college experience, graduating with an industry recognized certificate or getting a head start on additional training programs. To align education and WorkForce opportunities collaboration is done with the Office of WorkForce Innovation (OWINN) and the Office of Economic Development (GoEd), working with a dedicated employer engagement specialist and a pre-apprentice Work Based navigator.

The website for work based information for students, teachers, parents, and business and industry is [www.LifeWorksNV.org](http://www.LifeWorksNV.org)

Member McAdoo informed that as a regent for the system of higher education the Board of Regents will be discuss continuing improving student success at the higher education level and the college and career ready pathway.

**Information, Discussion and Possible Action regarding the Teachers and Leaders Council (TLC) recommendations regarding:**

**Score ranges to determine the final summative evaluation ratings of Highly Effective, Effective, Developing, and Ineffective for Teachers and Building Administrators have been discussed at previous State Board of Education meetings.** However, score ranges to determine the final summative ratings for Other Licensed Educational Personnel (OLEP) have not. 2018-2019 is the first year of implementation of the OLEP frameworks, therefore score ranges for the 2018-2019 school year are being recommended by the Teachers and Leaders Council.

- Rubric for evaluating progress toward Library Program Goal (for Teacher-Librarians)
- Clark County School District application for use of alternate summative evaluation tools for OLEP.

Pam Salazar, Chair, Teachers and Leaders Council (TLC) and Kathleen Galland-Collins, Education Programs Supervisor informed the Board that the [presentation](#) for the NEPF Score Ranges for Other Licensed Educational Personnel (OLEP) includes three items for approval today.

Because the field test for the OLEP was last year there are no score ranges to base summative ratings on, and the original score ranges will be presented today. A library program goal rubric, which is work that teacher librarians have an option of doing for a student learning goal or a library program goal will be presented, and another application for an alternative summative evaluation for an OLEP will also be presented. Ms. Salazar said this year the request is to have the scoring ranges for all of the OLEP. Field study suggests that the same scoring ranges for teachers and administrators is used. (audio difficulties)

Ms. Galland-Collins stated the recommendation is for the 2018-19 school year until there is more data to base the decision on. Concerns were raised by school language pathologists (SLP). The TLC has recommended a separate score range for SLPs that tops out at 3.8 because they have a number of indicators within their rubric that cannot reach performance level 4, due to the way the standards are written. It is recommended to keep the teacher and building administrator score ranges in place for the school counselors, nurses, psychologists, social workers, and teacher librarians until there is data for more informed decisions for the next school year.

This is the first year of implementation for teacher-librarians who are in the OLEP group. They have three domains within their framework, instructional practice weighted at 30 percent, professional responsibility standards specific to the teacher-librarian role weighted at 30 percent, and student outcomes weighted the same as it is for teachers and building administrators at 40 percent. The difference for teacher-librarians is that they have the option, with a supervisors approval, to set either an SLG or a library program goal. A library program goal is focus concerning school community and impact of a school community as a whole. Ms. Galland-Collins discussed the TLC recommendations including the SLG and LPG scores for the library program goals.

There is an application from CCSD to use the alternate summative evaluation tools for each of the OLEP groups, and to modify the summative evaluation tool the same way they modified the teacher and building administrator tool that was previously approved at a board meeting. That modification removes the duplication of the copy and paste into section 2 of the evaluation so the evidence of progress, and the two sources of evidence for each indicator would be included in the evidence of the observation tool rather than in the summative. Each educator would receive a copy of that evidence so they would have that for their records.

This has been approved for the teachers and building administrators and they are requesting that they are approved for all the OLEP groups and are allowed to share those with the any other district that may wish to use them as well.

**Motion 1:**

**Member Carter moved to approve the Teachers and Leaders Council recommendation that for the 2018-2019 school year, the score ranges for Other Licensed Educational Personnel will be shown in the table below:**

**Recommended Score Ranges  
 2018-2019**

School Speech Language Pathologists		School Counselors, Nurses, Psychologists, Social Workers, and Teacher-Librarians	
Score Range	Final Rating	Score Range	Final Rating
3.42 – 3.8*	Highly Effective	3.6 – 4.0	Highly Effective
2.66 – 3.41	Effective	2.8 – 3.59	Effective
1.84 – 2.65	Developing	1.91 – 2.79	Developing
1 – 1.82	Ineffective	1.0 – 1.9	Ineffective

\* Highest attainable score is 3.8 due to multiple indicators for which a performance level of 4 is not available

**Member Blakely seconded the motion. The motion carried.**

**Motion 2:**

**Member Blakely moved to approve the Library Program Goal Rubric as recommended by the Teachers and Leaders Council.**

LPG Scores	Score Descriptors
High = 4	Multiple sources of data from at least two points in time show evidence of <b>high positive impact</b> from library services
Moderate = 3	Multiple sources of data from at least two points in time show evidence of <b>positive impact</b> from library services on
Low = 2	Multiple sources of data from at least two points in time show evidence of <b>minimal positive impact</b> from library
Unsatisfactory = 1	Teacher-Librarian has not met the expectations described in the LPG and provides <b>little or no evidence of positive impact</b> from library services on the school community.

**Member Ortiz seconded the motion. The motion carried.**

**Motion #3**

**Member Ortiz moved to approve the Teachers and Leaders Council recommendations to approve the alternate Summative Evaluation Rating Tools for OLEP, for use by any district. Member Blakely seconded the motion. The motion carried.**

**Information, Discussion and Possible Action establishing conditional FY20-21 Great Teaching and Leading Fund priorities in order to expedite the grant process. Pursuant to NRS 391A.505, the State Board shall prescribe the priorities of programs for which grants of money will be made from the Fund. Funds will be awarded following an application process and pending appropriation by the 2019 Legislature.**

KellyLynn Charles, Education Programs Professional, conducted a PowerPoint [presentation](#) regarding the Great Teaching and Leading Fund (GTLF). She explained that NRS 391A.510 prescribes that each year the Board shall prescribe the priorities of programs and which grants of money will be made from the Fund. The NRS also describes how the funds are to be used.

Ms. Charles provided a re-cap of historical priorities beginning with FY16 and discussed the lessons learned such as using a two year grant application with two year priorities. The external evaluation, ACS Ventures, recommended continuing the program. The NDE recommendations are to stay the course.

**NDE Recommended Priorities FY20 and FY21:**

- **Teacher preparation, recruitment, retention and leadership to include building the teacher pipeline.**
- **Nevada Academic Content Standards – Newly adopted and/or revised standards after June 2017 to include, but not limited to:**
  - ✓ **Computer Science**
  - ✓ **Social Studies**
  - ✓ **Fine Arts**
  - ✓ **Financial Literacy**
- **School Leadership**
  - ✓ **NEPF with a focus on Student Learning Goals**
  - ✓ **Effective models of School Improvement**
  - ✓ **Refinement to the Nevada Academic Content Standards**

Ms. Charles said Nevada has a known deficit in math. Continuing with the newly adopted leaves that out.

An additional recommendation is to include the refinement that district and state identified content areas needing improvement give district entities the option of using data to identify what their need is and then to focus the grant funding on that.

Vice President Newburn expressed concern that part of the design of the grant process is that the priorities are run through the Board. If it is just given to districts for them to spend it on whatever they want, then if they have priorities they can bring those to the Board. He does not want to just open this up. The idea is that the academic standards have been changed and teachers can be expected to change the in-class instruction unless they are given some development. If there is another academic content standard that needs to be added to the list, they need to come make that case to the Board. Otherwise, there is no feeling that any of the new standards are actually going to get professional development. The Board is advocating their responsibility for setting that priority, we are just saying school districts set the priority. He is okay with that exception.

Superintendent Canavero said if a case would need to be made for a gap in performance that would be remediated by an application to the GTLF for development. Ultimately, the Board awards the grant. Each cycle comes before the Board, and he shares the concern about making it too broad. He does not want to miss an opportunity to provide needed professional development in the field.

Vice President Newburn reiterated his concern is there will be a list of grants to approve and the money is going to be given to something than other than these four items. The case can be made for math. He does not want a set of grants to come back that do not look like the set of priorities he voted on. There may be bills from the upcoming legislative session that change or provide additional funding.

**Member Ortiz moved to approve the recommendations as presented in the recommended priorities (listed above). Member Blakely seconded the motion. The motion carried.**

**Information, Discussion and Possible Action regarding the accompanying report that identifies each elementary school for which the State Board of Education approved a variance, as well as the justification for any such variance. Senate Bill 544, Section 11 (2017 Legislature), requires pupil-teacher ratios of 17:1 for grades 1 and 2 and 20:1 in grade 3 through the 2017-19 biennium. In**

accordance with NRS 388.700(4), the State Board of Education may grant a variance from the required pupil-to-teacher ratios to a school district for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-to-teacher ratios.

Megan Hanke, Management Analyst, presented the first quarter FY19 Class Size Reduction reports.

Superintendent Canavero said he reviewed the report and it is consistent with reports the Board has received in the past regarding the variances and distribution of the variances.

Member Carter asked if the funding formula changes address the concerns of the rural districts. He is concerned because most of his area is rural, and he understands their concerns about the incentives and dealing with transportation. For folks that commute, as an example, those who commute from Carson City to Lyon County, would they and be able to fund some of that which is not currently allowed in the law. Would that be part of the funding formula, or would a different BDR be required?

Superintendent Canavero provided a quick answer to be followed by a conversation off-line. Within the model itself, the Governor said that it needs to work for the entire state. There are known concerns from rural districts as we look and model within the formula. The incentives specifically designed by the state are outside the formula. That concern would need to be raised with the language in the statute of eligible expenses.

**Member Blakely moved to approve the variance report. Member Ortiz seconded the motion. The motion carries.**

**Information, Discussion and Presentation regarding the new Online Processing for Applications and Licensure System (OPAL).** The Office of Educator Licensure began utilizing a new licensing system in January 2018 and will present an overview of the first year of operation to the board on the implementation, functionality and future enhancements, as well as lessons learned throughout the process.

Jason Dietrich, Interim Deputy Superintendent conducted a PowerPoint [presentation](#) regarding the new Online Processing for Applications and Licensure System (OPAL) for educators. OPAL was brought online as a convenience over the online application submissions system. Applicants can apply anytime anywhere and do not need to visit an NDE office or mail in payments. This helps expedite the application processing times since implementation in January 2018. It allows the applicant or licensee to see the status of any current licenses or application, and allows the licensee to perform maintenance functions such as address changes, document uploads and storage. The system automatically sends notifications and reminders to applicants and licensees throughout the application process and the life of the license. Further statistics were provided about the staff and timeline of issuing renewals and new licenses.

Mr. Dietrich further discussed the implementation of OPAL and the lessons learned along the way. The website of the Office of Educator Licensure is currently being updated. Future enhancements were addressed including an OPAL smart phone app and an intuitive application redesign.

Member Ortiz asked if the teacher prep program data is being captured. Mr. Dietrich responded that the third portal roll out will come directly following the district portal and will report educators completing programs, the program of completion and the level of degree. Along with that, Great Teaching and Leading data will be captured and any data related to Teach Nevada Scholarships and Teacher Incentives will be tied to the district and to the Prep Institution to see data in the full cycle.

Member Ortiz said she is interested in providing feedback to the teacher prep programs regarding how teachers are doing and if there are trend lines with teachers from any program they are having issues with in an area so they can immediately re-vamp their curriculum to cover those issues. Mr. Dietrich agreed, adding that phase 4, down the road in 2020, will be working the education prep review process integrating that into OPAL as well.

Eventually it will be noted where a teacher went to prep, how that prep went, how the institution was approved, were the teachers licensed and ended up teaching, and then follow them through their career in Nevada.

## **Public Comment #2**

There was no public comment.

## **Consent Agenda Item 6g**

### **Possible Approval of Petition for Revocation of the Nevada Educators License for Ruth Kotler**

Vice President Newburn explained that NRS 391.055 allows a license holder to appear before the State Board of Education to present and argue any facts which might mitigate or excuse them from the penalty that the Board might impose.

Deputy Attorney General David Gardner outlined the process for the Board and said this is not a due process hearing, the due process hearing has already occurred. This is under NAC 391.555; any teacher that has a possibility of having a license revoked has the ability to come before the Board and disclose any mitigating evidence, which is what Dr. Kotler has requested. There will be two parties, the prosecutor will be the NDE and the charter school. Mr. Edwards, the attorney for the charter school is present as well as Greg Ott representing the NDE. Dr. Kotler's attorney Debra Amens is present as well.

Mr. Gardner suggested that Greg Ott provide an opening statement about the hearing, and Mr. Edwards may also make a statement at this time. Then Dr. Kotler and her attorney will provide evidence followed by closing statements.

Deputy Attorney General Greg Ott informed about the procedural background of the case. This item originally arose from a petition for revocation filed by Argent Preparatory Academy against Dr. Kotler on September 6, 2017. The superintendent of public instruction then filed a joinder to the petition. Dr. Kotler requested a hearing before a hearing officer and the matter was heard by hearing officer, Lorna Ward, on March 20, 2018. Hearing officer Ward issued findings of fact, conclusions of law, report and recommendation of the hearing officer on April 30, 2018. The matter now comes to the State Board who may either accept or reject the recommendation, or refer the report back to the hearing officer for further evidence and recommendation. Both Dr. Kotler and Argent have presented facts, have counsel and attendance and both have their principals, Mr. Kern is Carson City and Dr. Kotler is in Las Vegas.

Vice President Newburn inquired whether the Board is limited to accepting, rejecting, or referring, or can they amend the action. Mr. Ott said under NRS 391.322 the Board either accepts, rejects or refers back to the hearing office. He does not see a modification under the NRS. Mr. Edwards read the NRS and concluded that is accurate.

Mr. Tom Edwards, counsel for Josh Kern as the court appointed receiver for Argent Prep, said these facts that are the subject of the recommendation have been heard by two separate and independent hearing officers. They both took live evidence and considered many documents. Both of them independently concluded that Dr. Kotler coerced two of her employees to falsify parent and student surveys in relation to a turnaround grant from the NDE. One was related to Dr. Kotler's term of employment which is not before the Board, and the other is related to the revocation of her license which is before the Board, and is why they recommend her license be revoked.

Debra Amens, representing Dr. Kotler. Took exception to a comment from Mr. Edwards stating there were two hearing officers that have heard evidence in regard to this matter, one of them concerning termination. The conclusion and recommendation of that hearing officer was that there was not a cause to terminate Dr. Kotler, that in regards to the survey issue, the initial officer said there was evidence that was provided that could conclude that there might have been some disciplinary action, but not that it rose to the level of termination and/or licensure. Ms. Amens said she sent the board members a letter as well as a series of exhibits for background information on the facts in this case. She assumes the board members have reviewed the documents and read the letter summarizing how and why they are here today. Per case law in Nevada, the purpose of licensure revocation is to protect the public and not to punish the license holder. She sees this as the motive behind the action to revoke Dr. Kotler's license as well as to terminate her employment. Dr. Kotler's entire career has been about supporting education.

Dr. Kotler read a statement into the record pertaining to the real reason they are here today:

*I wanted to speak to you today because it is important you hear the truth from me and in my words. In order to understand why there is a request for license revocation by Mr. Kern. With regard to my credentials, I am the youngest of five children, first generation college graduate with a master's degree in education and a doctorate in education administration. All three of my degrees were received with honors. My specialty is turning around urban education systems. I have turned schools around in as little as one year, and as long as three years.*

*I received the Governor's award for academic excellence having turned around an urban Detroit population from the 20<sup>th</sup> percentile proficient to above 75 proficient in all grades and subjects tested. At a public high school dropout prevention program in Ohio, where everything is measured by performance index, under my direction our school increased its performance index in just one year as compared to the nations increase in performance index of only 1.5 points.*

*I have had nearly a 30-year career in education, alternating between administration and teaching because I feel that once you become an administrator you very quickly in just a matter of months, lose the sensitivity you have towards the challenges that are faced in the classroom. So I alternate back and forth so I can hang on to that. I am also an ordained minister and active in my local church. As an administrator in Nevada I understand my first responsibility is to the safety and well-being of children and the public, and that always has been my first priority.*

*It hurts to know that after 30 years in the field these deliberate fabrications against my character could destroy my life and career. I would like to get straight to the point, I brought this holy bible I have owned from my grandmother since I was three. I swear on this bible that I did not ask employees to fabricate any surveys, I did not ask anyone else to, I did threaten their jobs and I did not fabricate any surveys either. It is simply not true. The purpose of the surveys were as input for professional development for the next year. That was their sole purpose. It did not matter how many surveys we had or did not have.*

*In relationship to my religious beliefs, nothing is more sacred to me than my relationship to Christ. I swear on this bible again, that I did not do any of those things I am being accused of doing. I did not ask for false surveys, I did not make false surveys, I did not threaten people's jobs with regards to any surveys especially ones that only pertain to professional development. There would be no point in doing that. It simply did not happen. I did not have any motive to create or require false surveys since no specific amount of surveys were required, and they were only one portion of the gathering of information.*

*They were also meetings between the data collector and board members, parents, students, teachers, myself and I filled out my own survey. I did not have the opportunity to create or require false surveys as I was busy working on grants and epicenter reports. There was no time for me to do anything else. I did not have the means to create or falsify a service, as I did not have internet access at home at the time. There is simply no evidence here at all. That is the whole truth.*

*Now to the specifics. First I want to explain why it is impossible to find me guilty of those ridiculous accusations, and then I want to share the real reason we are here today. My religious upbringing does not permit me to do such a thing. My nature is that if I do something wrong, I am going to tell on myself, whether good or bad. I cannot carry that. I did not ask anyone to create false surveys for a professional development report, and I*

*did not create them myself. The two bus drivers in question know full well that they came into my office one morning after the survey designer had contacted me and said he did not have many survey's. I reminded the designer that he had given them to me during the last week of school. Of course, he was not going to have many surveys. He said he would like a few more if possible, and I said okay, I will talk to our web designer and see about placing the link to the survey in a more prominent position on our website. I would send out an email to parents asking them to complete the survey, and I would ask anyone I saw still in the building to complete their survey.*

*When the two bus drivers stopped in my office, as they often did, they walked down the hall and saw I was there and came in to chit-chat. I asked them if they had completed their surveys and they asked me what surveys. I told them the surveys I had already emailed them twice before. They responded that they never look at their emails, and I explained the purpose of the survey and asked them to go and do theirs.*

Vice President Newburn interjected noting that this information is in the packet. He requested hearing any additional information or anything she can relay that he would not know from reading the back-up documents or listening to the recording of the hearing. Ms. Kotler said she has additional notes interspersed amongst the statement that she would like to make in a situation that is serious such as revoking someone's license. She asked him to bear with her and that he may want to know about the information she has.

Member Newburn requested that Ms. Kotler focus on new information the Board may not have. Ms. Kotler said she wanted the Board to know that the purpose of the surveys were only for professional development and that several other types of information was accounted for. The reason she is here is because nothing had been brought up about revoking a license. The original case was moved to the Nevada Supreme Court because she did not receive due process during the original case. The hearing officer made recommendations, they were not agreed to, and when it was moved to the Nevada Supreme Court it came up that her license would be revoked. In closing, Ms. Kotler said their entire case rests on the continuously varying stories of two bus drivers. She is persnickety about telling the truth, and in the second hearing there was a question about where she lived. Her understanding was that she lived in east Reno rather than south Reno. She added that is all.

Debra Amens added comments. Dr. Kotler has been teaching, first in Washoe County with special needs students, and she has a recommendation from that school. Currently she teaches third grade at Legacy Charter Schools. Additional letters of recommendation were added and along with concern that her license may be revoked. She is a professional who loves teaching, has been an administrator and has a lot to offer children and parents.

Mr. Ott stated that NDE does not normally bring cases before the Board based upon unprofessional conduct. Statutes allow both the state superintendent and superintendents of school districts to file petitions for revocation. The NDE does not have a staff of investigators to go out and investigate issues. As a result, petitions brought by the superintendent normally rely on facts developed through the criminal justice system or out of test security issues where there is some staff to investigate facts. He does not think it is a fair representation to say that the superintendent or the NDE has not taken these issues seriously in the past, rather it is a lack of an ability to develop these fact patterns independently of the criminal justice system. In this case, the charter school felt strongly about the conduct and proceeded to develop the facts and bring them for an independent hearing officer. That report is in the materials. Contrary to the testimony, the hearing officer did find the preponderance of evidence supported a conclusion that Dr. Kotler did coerce two bus drivers to falsify grant applications and threatened them with their jobs.

Vice President Newburn closed the presentation of facts and arguments and opened the item for deliberation by the Board. Debra Amens asked to address the last issue Mr. Ott mentioned. She said this is a very different kind of revocation hearing. Most often the recommendations are relied on by criminal

convictions. That burden to get a criminal conviction is beyond a reasonable doubt. The NDE has not done the investigation, they relied on the investigation that was done by the school. The original hearing officer said that there was credible evidence from the witnesses that the request to falsify surveys may have occurred, but what has not been presented is evidence of any falsified survey. Her client has contended this never happened. Whether there was a misunderstanding or not, she has attested credibly every time that it has not happened. Witnesses that came before the two different hearing officers and provided written statements is testimony that differed every time.

Vice President Newburn said this is very different from any hearing that has previously come to the Board. The differences he has been able to determine are, it is a charter school but the superintendent is correct in joining it. That is allowed. The other difference is this is an immoral and unprofessional conduct, which is very different. The statutes allow for this, but this seems to be an area that could be abused. His measure is that he is going to look at the damage and harm that occurred. Simply proving that it is immoral and unprofessional conduct is not going to be enough. Those things can get you fired, but at the Board level they want a higher bar and there needs to be demonstration of damage. He does not see the damage. The big issue he has is that this is coming in at a different standard of evidence. Previously, hearings have come in at beyond reasonable doubt. This sounds like it is the 90 percent certain bar. The Board is receiving propensity of evidence, which is the 51 percent certain bar. That is an enormous difference. This case forces him to set precedence which is an immoral unprofessional case that does not give any indication of the damage, and asking to revoke a license at a very low threshold of evidence.

He wants to set the precedence that the pursuers want to revoke a license, and when he looks at the evidence, it must look a lot more like unreasonable doubt and cannot look like a “he said she said” propensity of evidence. There could be suspension at a lower level and there could be a reasonable tool for the superintendent to take action at the lower level of evidence. Traditionally, the Board has been well served by forcing the higher standard of evidence when effectively going to end someone’s teaching career. His issue is because that is the standard he is using, he believes the hearing officer erred in using the lower standard of evidence. He suggests sending it back to be re-heard, the Board is looking for demonstration of damage. The Board can re-hear it at a higher level and come back asking for revocation or re-hear it at a lower level, or they can amend the recommendation to be a suspension. There is too much potential for miss-use to have a 51 percent standard for ending someone’s teaching career. He would like to send it back and a decision can be made whether to re-hear it at the higher standard or re-hear it at the lower standard showing some damage that caused an enormous problem.

Member Blakely stated this does not come up to the level of standards for revoking licenses the Board has heard in the past. When the Board has revoked licenses in the past there was absolutely no doubt that the educators were guilty. He stated he will not vote to revoke the Ms. Kotler’s license. In the evidence and information the Board has received he thinks some of the due process entitled to was not received. He would agree to suspension of the educator license if that were an option, but it is not.

Member Carter said he will oppose voting for revocation based on the evidence he has seen. He sees nothing to prevent keeping a teaching credential. He would favor suspension of the educator license if that were possible.

Member Miller suggested a future discussion regarding there are not two certifications, one for an educator and one for an administrator. She encouraged rejecting rather than referring because it has been there twice. The difference between someone who is in the classroom and has taught beside someone, and then under them as an administrator are two different things. There could be a poor administrator and a great teacher in that person. She encouraged rejection.

Member Ortiz echoed earlier comments regarding the level at which this has come to the Board. Typically in other hearings that have come to the Board, the person has been convicted of a crime and is sitting in jail. The timeline of events caused her concern when she reviewed the materials. The case leaned towards more of a “he said she said” scenario rather than true evidence to the nature of the issue. She did not find this to harm children directly, that line was not crossed. Nor was it proven that this

happened. The inconsistencies in testimonies is also an issue. She would reject this and suggested it is a waste of taxpayer time and money. The case has been heard a couple of times and has not been proven, why continue kicking the can.

Vice President Newburn stated he will make a motion to re-refer because the Board has set a precedence and provided guidance to what they are looking for from the hearing officer. It would be unfair to just reject the case without giving the pursuers a chance to use that new guidance and make the decision whether they want to proceed. His main concern is that he could be getting cases that were tried at the criminal level and were beyond a reasonable doubt, and he could be getting cases that are at the propensity of evidence level. He could be dealing the same consequence in both cases and it does not seem like equal protection under the law. There could be a suspension at the lower level. However, if a person's career is going to be ended it better be at the higher level, and the suspension better explain the damage if it is going to be under an immoral and unprofessional conduct.

**Vice President Newburn moved that the Board re-refer to the hearing officer the case with the guidance that if the hearing officer is going to offer revocation it must meet the standard of beyond a reasonable doubt. If the revocation officer is going to recommend suspension it must meet a reasonable measure of damage or harm in that recommendation. Member Blakely seconded the motion. The motion carried.**

#### **Future Agenda Items**

Member Ortiz requested the superintendent provide legislative updates at each of the next meetings during the legislative session.

Vice President Newburn said when there is time, reading this background material he became interested in the process of closing a charter school, especially the receivership and the costs of receivership.

#### **Public Comment #3**

There was no public comment. The meeting adjourned at 12:21pm.