

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

Thursday, December 3, 2009

Department of Education
Board Conference Room
700 East Fifth Street
Carson City, Nevada

And

Department of Education
9890 South Maryland
Second Floor Conference Room
Las Vegas, Nevada

MINUTES OF THE REGULAR MEETING
(Video Conferenced)

BOARD MEMBERS PRESENT:

In Las Vegas:

Anthony Ruggiero, President (arrived at 10:19 a.m.)
Jan Biggerstaff, Member
Gloria Bonaventure, Member
Willia Chaney, Member
Charlotte Hill, Member
Christopher Wallace, Member
Craig Wilkinson, Member
Zhan Okuda-Lim, Student Representative

In Carson City:

Dr. Cliff Ferry, Vice President
Dave Cook, Member
Ken McKenna, Member

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
Karen Johansen, Administrative Assistant to the State Board of Education

In Carson City:

Jim Wells, Deputy Superintendent, Administrative and Fiscal Services
Lori Johnson, Executive Assistant to the Superintendent of Public Instruction
Rorie Fitzpatrick, Director, Special Education, Elementary & Secondary Education & School Improvement Programs

LEGAL STAFF PRESENT:

In Carson City:

Dr. James E. Irvin, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Deb Hegna, Clark County School District, Office of Charter schools
Kim Boyle, Clark County School District, Guidance and Counseling
Dr. Bryn Lapenta, Senior Director, Washoe County School District
Nicole Rourke, Clark County School District
Carolyn Edwards, Vice President, Board of Trustees, Clark County School District
Steve Knight, Silver State Charter schools
Joe Collins, Principal, White Pine County School District
Allison Turner, Nevada PTA
Jerry DeLuca, Educational Testing Services
Peter Yeager, Educational Testing Services
Marilyn Jordan, Clark County School District
Lisa Biesinger, Clark County School District
Debra Roberson, Clark County School District
Andre Yates, Clark County School District
Kathleen Conaboy, K-12 Inc.
Craig Stevens, Nevada State Education Association (NSEA)

In Carson City:

Mary Peterson, WestEd Consultant
Eugene T. Paslov

CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA

Due to the delayed arrival of President Ruggiero, Vice President Ferry called the meeting to order at 10:05 a.m. Roll call was taken. All 10 voting members were present upon President Ruggiero's arrival at 10:19 a.m.

Member Ferry moved to approve a flexible agenda. Member McKenna seconded the motion. The motion carried.

Superintendent's Report

- Dr. Keith Rheault updated the Board on available travel funds. He reviewed the travel costs per Board meeting and explained the stipend comes out of personnel services, category 01, rather than the travel budget. The State Board Travel Budget will continue to be a standing item included in the Superintendent's Report.
- Dr. Rheault gave an update of the 2009 National Assessment of Educational Progress (NAEP) Mathematics results. Since the last test in 2008, Nevada has been one of four states that significantly improved in 4th and 8th grade. Nevada was one of eight states that improved in 4th grade and one of 16 that improved in 8th grade. Ninety percent of the schools received School Improvement/ Innovation money between 2007 and 2009. During this time, it appears schools made significant improvement. Dr. Rheault said the funding allowed schools to hire teacher aides, tutors, and offer after school programs along with better school curriculum. The School Improvement funding was eliminated from the Budget this year. The Department will be looking at the effect losing funds has on student improvement.

- Dr. Rheault said he attended The Pathways to College meeting on November 12, 2009 in Las Vegas, along with five board members. He reported the meeting was the beginning of the State looking at College Readiness Standards. A brief taskforce meeting was held with the Chancellor's Office, at which the timeline for College Readiness Standards adoption was set for June 2010. Dr. Rheault explained the State is penalized at the national level for officially not adopting the standards.
- Dr. Rheault said another taskforce might be needed to look at whether separate Workforce Standards are needed. Twenty-two states have adopted College Readiness Workforce Standards. Of those 22 states, four have separate Workforce Standards and 18 states indicated their College Readiness Standards are the same as their Workforce Standards. Nevada, and ultimately the State Board, will need to make a decision regarding the standards.

Dr Rheault reported that if Nevada does become eligible for the Race to the Top funding, the application requires College Readiness Standards to be included. He added the \$4.3 billion Race to the Top money is competitive and only 15-20 states will receive the funding. The applications became available three weeks ago. Currently, Nevada is not eligible to apply for the funding. Four states had a statutory barrier to using student achievement data for evaluating teachers and administrators. Three states have revised their statutes, but Nevada has not. Dr. Rheault said Governor Gibbons has stated he will consider calling a special Legislative Session. January 19, 2010, is the deadline to apply under Phase 1, and Phase 2 is due the first week of June 2010. If Nevada becomes eligible, it may be able to meet the Phase 2 deadline.

Member Biggerstaff asked how much it would cost to reconvene the Legislature, and how much money Nevada would apply for in a grant.

Dr. Rheault replied that it costs approximately \$100,000 per day to convene the Legislature for special session. The grant is competitive. States are not told how much to apply for, however, there are five tiers used as guidelines and are determined by the size of the state. Nevada is in the fourth tier and the range is between \$60 and \$175 million.

Member Biggerstaff asked how the money would be used.

Dr. Rheault responded the money would be spent on school improvement while meeting required assurances. These include 1.) teacher and administrator quality with evaluation performance pay 2.) finalizing a longitudinal data system that links teacher licensing, student achievement data, higher education and workforce 3.) having high quality standards and assessment while agreeing to adopt the common core standards 4.) agreeing to use common assessments in the future 5.) addressing school improvement in the most severe struggling schools. At least 50 percent of the funds must go to the school districts, and 50 percent can be kept at state level. Dr. Rheault said, currently, our chances are a little better than 50 percent to become eligible for the funding. There are 500 points in the application and Nevada may not qualify for some of the points. Many states are in better fiscal shape than Nevada.

Report from the Governor's Office

Stacy Woodbury, Deputy Chief of Staff, Office of the Governor, reported on K-12 and Higher Education. She said Governor Gibbon's supports repealing the law allowing Nevada to apply for the Race to the Top funds. Ms. Woodbury added she attended the Pathways to College focus group in Las Vegas that addressed how to improve student graduation rates in Nevada and said she is looking forward to working with the K-12 systems and the Higher Education system to improve student graduation rates in Nevada.

Ms. Woodbury confirmed Governor Gibbons has scheduled a press conference for Tuesday, December 8, 2009, outlining steps he recommends for the State Budget shortfall. Information is currently available for the first quarter revenue. All state agencies, including K-12 and Higher Education will be asked to submit a plan

for a 1.4 and a 3 percent reduction for fiscal 2010 and 2011. Ms. Woodbury estimated Nevada's budget shortfall would be between \$100 and \$200 million.

Student Representative Zhan Okuda-Lim asked about the Governor's position concerning a rainy day fund for education, or other state agencies.

Ms. Woodbury said a rainy day fund is a good idea, especially for the future when the economy stabilizes, but it is not currently available because of economy.

President's Report

President Ruggiero gave a brief synopsis on the Common Core State Standards Summit he attended in Chicago. He said the information presented regarding Common Core Standards for reading and mathematics was comprehensive. He said the Common Core Standards are compiled from past performance test results and will be used as a baseline.

Dr. Rheault said these standards were voluntary from 48 states; however, to get Race to the Top funding it is mandated that Common Core Standards be adopted. Common Core Standards must be adopted or at least commit to be adopted by August 10, 2010, to apply for Phase II and receive 20 points. Dr. Rheault said standards should be available the first part of January and he intends to give a short presentation about them at the January board meeting. He said he supports Common Core Standards because there are advantages for states working together using national experts. He said for Nevada to adopt the Common Core Standards an alignment study would be conducted to check our current standards versus the new Common Core Standards. Results will go to the Academic Standard Council for adoption and then come back to the State Board to be put into regulation. It is a long process and Dr. Rheault stated he did not think Nevada could complete the process by June for the 20 points. He said he would rather do a thorough job of comparing them and assure everyone is in agreement with the standards before adoption.

Discussion continued with Dr. Rheault and the Board members.

Approval of Consent Agenda

- A. Approval of Minutes of October 8-9, 2009 Meeting
- B. Approval of relicensing for Kiononia Day Treatment school in Reno for four years. In addition, recommendation to relicense Children's Choice at MGM and Children's Choice at Sunset in Las Vegas for two years, and a new private school license is recommended for Super Kids Academy in Las Vegas.

Member Hill moved to approve the Consent Agenda. Member Wallace seconded the motion. The motion carried.

Member Ferry suggested, for a better record, the Board minutes indicate which location the Board members are in, while attending the Board meeting. President Ruggiero agreed, and said it would be beneficial for the public to be aware they can attend the Board meeting in Las Vegas and Carson City with department staff and board members in both locations, due to video conferencing. Dr. Rheault said previous minutes indicated where Board members were attending the meetings and he agreed it was a better record. Future Board minutes will reflect this change of record.

Approval of the 2009 State Improvement Plan (STIP)

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, reviewed the 2009 Nevada State Improvement Plan.

President Ruggiero thanked Ms. Dopf for the excellent State Improvement Plan, stating it meets the objectives set forth by the 2009 Legislative Session.

Discussion followed.

Member McKenna said with current budget cuts and the uncertainty of future money being available to help students, seeing the student achievement was impressive. He said the STIP was a fabulous report and the work plan is a good action plan that the Department can be proud of for the future.

Allison Turner, President of Nevada Parent Teacher Association (PTA) said she was privileged to work on the Steering Committee to help develop the State Improvement Plan for the third year. She reported a great effort was made to incorporate all stakeholders who brought significant data to the table. Budget cuts may have a major impact on implementing this Plan.

Member Cook moved to approve the 2009 STIP plan. Member Chaney seconded the motion. The motion carried.

Approval of Request for Dual Credit, Elko County School District

Dr. Rheault recommended the Board approve adding new dual credit courses for Elko County. The new courses are Marketing Entrepreneurship, Robotics, and Career and Technical courses.

Member Wallace moved to approve the request for dual credit for Elko County School District. The motion was seconded by Member Bonaventure. The motion carried.

Approval of Request for Dual Credit, Washoe County School District

Dr. Rheault said Washoe County is requesting adding new courses and deleting old courses from the Truckee Meadows Community College (TMCC) course catalog. The local Board of Trustees approved the request. The list for new courses includes Career and Technical courses, as well as Literature in the United States. Dr. Rheault recommended full approval.

President Ruggiero said he is encouraged to see the annual review of dual credit courses to determine which are beneficial and which should be deleted.

Dr. Bryn Lapenta, Washoe County School District said TMCC annually reviews the courses that have been deleted from their course catalog. As the Spring Catalog is being prepared, courses are listed that have been renamed, deleted or added and are being offered to the students at the Washoe County School District for dual credit.

Member Ferry said that English Course 091 is a Developmental English Course and should not be a college credit on the list.

Dr. Lapenta said the list was submitted as an updated list and that got by her. She asked that English 091 be removed from the list. Remedial classes are only offered by the school district for elective credit because they are not truly a dual credit.

Member Chaney moved to approve the Dual Credit courses for Washoe County, with one deletion of English 091. Member Wilkinson seconded the motion. The motion carried.

Approval of Request for Dual Credit, Clark County School District

Dr. Rheault said Clark County School District is requesting one course, Foundations of Education, for dual credit and he recommended full approval.

Member Ferry said credit is awarded by the individual institutions rather than the Nevada System of Higher Education (NSHE). He said the listing is not proper and he would vote against the dual credit request. All other dual credit requests the Board approves involve a school district and an institution of Higher Education. He said the list should indicate the College or University that will give the college credit to the high school student.

Dr. Rheault said he thought the reason Clark County listed NSHE was that the University system had a common numbering system and the same course could be taught at Nevada State College, University of Las Vegas or elsewhere. Dr. Rheault suggested for the future the common course number should be listed along with the institutions that anticipate using it.

Kim Boyle, Director, Curriculum and Professional Development Division, CCSD, said the course is being offered by both Nevada State College and the College of Southern Nevada.

President Ruggiero asked Ms. Boyle if she would agree to change the title to read “credit toward graduation from high school for courses taken through either Nevada State College or College of Southern Nevada.”

Ms. Boyle replied she was in agreement with the change. Member Ferry also agreed to the change.

Member Wilkinson asked if the dual credit was approved by the Board of Trustees.

Ms. Boyle answered they were approved on November 12, 2009.

Member Ferry moved to adopt the dual credit courses for Clark County School District with the amended language “credit toward graduation from High School courses taken through either Nevada State College or College of Southern Nevada”. Member Wallace seconded the motion. The motion carried.

Approval of the proposed dates and location for the 2010 Board Meetings

Dr. Rheault and the Board discussed the following proposed dates with meetings to begin at 3:30 p.m. on Thursdays and 8:30 a.m. on Fridays. President Ruggiero explained that all meetings will be video conferenced. Board members and staff will be attending the meetings in both Las Vegas and Carson City.

Friday, January 22, 2010 Las Vegas/Carson City

Thursday, March 18, 2010 and Friday, March 19, 2010 Las Vegas/Carson City

Friday, May 14, 2010 Las Vegas/Carson City

Thursday, June 17, 2010 and Friday, June 18, 2010 Las Vegas/Carson City

Retreat, Wednesday, August 11, 2010. and Thursday, August 12, 2010 and Friday, August 13, 2010 (tentative, location to be determined)

Thursday, October 7, 2010 and Friday, October 8, 2010 Las Vegas/Carson City

Thursday, December 9, 2010 and Friday, December 10, 2010 Las Vegas/Carson City

Member McKenna moved to approve the proposed 2010 Board Meeting dates as discussed with meetings to be held and video conferenced in both Las Vegas and Carson City. Member Wilkinson seconded the motion. The motion carried.

WORKSHOP to Solicit Comments on Proposed New Regulations Regarding Environmentally Safe floor Cleaning Products for Schools

Dr. Rheault asked to cancel the workshop explaining the staff member assisting with the workshop has been on long-term medical leave resulting in the work not being completed. President Ruggiero announced the workshop would be in abeyance until January.

Member McKenna announced he would not be able to attend the afternoon meeting. He said he was in agreement with Dr. Rheault's report and would vote to accept the suggested ACR 2 recommendations. He departed the meeting at 12:08 p.m.

WORKSHOP to Solicit Comments on Proposed New Regulations Regarding Schools in Need of Improvement Relative to Corrective Actions, Consequences, Supports or Sanctions; Monitoring Implementation of Corrective Actions; and Turnaround Plan.

President Ruggiero opened the Workshop at 12:10 p.m. There were 12 individuals in attendance in Las Vegas and 3 individuals in attendance in Carson City.

Rorie Fitzpatrick, Director, Special Education, Elementary & Secondary Education & School Improvement Programs, explained Senate Bill 389 (SB389) was passed during the 2009 Legislative Session. The legislation changed existing statute NRS 385 which spoke to school improvement requirements for all schools in Nevada. She said one outcome of the legislation was requiring the State Board of Education to adopt regulations regarding schools designated in need of improvement for three or more years. Ms. Fitzpatrick discussed the proposed conceptual framework for a differentiated system of support and the recommendations brought to the State Board of Education regarding schools in need of improvement.

Ms. Dopf said that prior to SB 389 schools that were in need of improvement were required, by statute, to appoint a school support team year after year. Schools would revise their report and school improvement plan, and then work on corrective action year after year. Ms. Dopf said the framework of this proposed regulation allows for different consequences and supports for schools in need of improvement as determined by the severity of need. This would be accomplished by a comprehensive review conducted at each school. This workshop is a step toward regulatory language to be developed by the Legislative Counsel Bureau. After the language is completed, a public hearing would be conducted. She said there are grant funds to fund these supports.

President Ruggiero asked if stakeholders were involved in the process.

Ms. Dopf replied that during the legislative process amendments to SB389 were brought forward with a collaborative effort by school district representatives and NDE staff.

Ms. Fitzpatrick added that to develop this new structure, a formal taskforce was convened of individuals from school districts across Nevada, particularly from school districts that have schools in need of improvement at year 3, 4 and beyond. The final proposal was formulated during conference calls and people were invited to respond by writing or calling department staff.

President Ruggiero opened the workshop for public comment.

Dr. Bryn Lapenta, Washoe County School District, said the final bill revision was a collaborative process that began over a year ago. She added it was wise of Ms. Fitzpatrick and Ms. Dopf to proceed with the framework for restructure. The districts believe consequences need to be similar for non-title schools although there is no funding. She added she appreciates the work the Department has done, allowing districts their voice toward the subject.

Debra Roberson, School Improvement, Clark County School District, said she agreed with Dr. Lapenta and appreciates the options, because one size does not fit all.

Jerry Hill, Assistant Superintendent for Student Achievement, Nye County School District, Principal of Pathways Alternative School, and Director of Adult Education, said Nye County School District has lost \$7.7 million in budget cuts over the last two years and staff has been reduced from nine to four people. He explained he lacks personnel and asked for an organized effort to help produce these required documents for this new legislation, which especially affects rural counties that have few human and monetary resources.

Ms. Dopf said the Department of Education is aware of the challenges in rural school districts and added they will work with Nye County School District to help them meet the challenges of curriculum alignment.

Member Ferry commented the document indicates support is tailored for schools or districts needing help.

Member Biggerstaff said department staff is lean and overworked and that regulations were to be developed no later than November 1, 2009, and approved by January 1, 2010,

Dr. Rheault responded the dates Member Biggerstaff mentioned were target dates and not in statute.

Seeing no further comments, President Ruggiero closed the Workshop at 12:40 p.m. and recessed the meeting until 1:30 p.m. for lunch.

President Ruggiero re-called the meeting to order at 1:40 p.m.

Possible Recommendations from the State Board of Education to *Legislative Interim Committee for Governance and Oversight of System of K-12 Public Education* (A.C.R. 2)

Member Biggerstaff said she agreed with Dr. Rheault's suggestions regarding the proposed K-12 recommendations for governance structure.

President Ruggiero asked Dr. Rheault to provide the Board with an overview of his suggestions.

Dr. Rheault mentioned the institutional history of the Nevada State Board Education handout distributed to the Board, stating it gives an interesting prospective on the history of the Board.

Dr. Rheault said he spoke with Legislative Counsel Staff concerning the ACR 2 meetings and was advised the first meeting will cover history and background of governance in Nevada, and the second meeting will review the recommendations from the various committees, commissions, councils and the State Board.

Dr. Rheault discussed the following suggestions and key points for Proposed K-12 Governance Structure and Changes:

- **State Board of Education**
 - Change from 10 member elected state board to 11 member state board.

- **Superintendent of Public Instruction**
 - Change NRS 385.150 from 3-year term or appointment of Superintendent by the elected state board to 4 years, ending June 30 of an even numbered year.
 - Subsection 3 of NRS 385.175, General Duties of the Superintendent relating to the organization of the Department should not be modified nor should subsection 2 of

NRS 385.330. Current authority allows the Superintendent to organize the Department in a manner that will assure efficient operation and service.

- **Councils and Commissions**

- Eliminate Council to Establish Academic Standards in Education and transfer current responsibilities under the State Board and Department of Education.
- Eliminate Commission on Educational Technology and transfer current responsibilities of the Commission under the authority of the State Board and Department of Education.
- Eliminate Commission on Educational Excellence and transfer current responsibilities of the Commission under the authority of the State Board and Department of Education.
- Eliminate Advisory Council on Parent Involvement and transfer current responsibilities of the Commission under the authority of the State Board and Department of Education.
- Eliminate the Legislative Bureau of Educational Accountability and Program Evaluation (LeBEAPE)
- Revise Statewide Council for the Coordination of the Regional Training Programs membership to include a required position for either a State Board member or Department of Education. Require, with limited authority to reject, the submission of the uniform standards for training adopted by the Council to be submitted to the State Board for approval.

- **Charter school Sponsorship**

- Establish a new charter school sponsoring entity within the state in lieu of the State Board serving as a sponsor. Transfer current staff from the office of Charter schools within the Department to the new sponsoring entity.

Member Cook said it was a great report and he was in complete agreement. However, he advocated expanding State Board members to 13 to mirror the Board of Regents. He added the State Board was a 13-member board up until 2000, and with current state growth, it gives better representation.

In response to Member Chaney's question about the Board's role if councils and commissions are eliminated, Dr. Rheault said the current responsibilities should be rewritten to say the State Board should be responsible for the academic standards in English, Math, Science and Social Studies. The Board already has the authority to set the assessments but does not have authority to develop the standards. He noted this would give the Board the final authority for adopting and setting the assessments resulting in better alignment.

Member Hill announced she needed to leave shortly for a doctor appointment. She said she is in agreement with Dr. Rheault's recommendations, especially eliminating the councils and commissions and agrees with Member Cook's suggestion to expand the Board to 13 members. Ms. Hill departed the meeting at 2:02 p.m.

In response to Member Biggerstaff's question regarding additional board meetings if councils and commissions are eliminated, Dr. Rheault said it is possible extra hours may be required for board meetings.

Discussion continued regarding the cost savings by eliminating council and commission meetings, expanding the Board from 11 to 13 members and adding that to the formal recommendations.

President Ruggiero suggested that in the future an independent body or the Legislative Counsel Bureau should evaluate the Superintendent, adding it gives the board transparency.

Discussion continued regarding the recommendations from the State Board to the ACR 2 Committee.

Jim Wells, Deputy Superintendent, reminded the Board they received the ACR 2 survey in their emails and it is due January 15, 2010. He stated each committee listed on the survey has a budget line item indicating how

much that particular council or committee receives for operating costs, as well as any funding they are responsible for distributing.

President Ruggiero announced he would move Agenda Item 13, Future Agenda Items, to Friday's meeting for further discussion.

Craig Stevens, Nevada State Education Association (NSEA), said Stacy Woodbury's comment this morning regarding the teachers union being a roadblock to students learning was unfounded. He stated NSEA has a long record of promoting innovation from alternative pay to empowerment schools. Mr. Stevens said the NSEA proposal placing evaluations under the control of each locally bargained agreement is an important innovation allowing for more local control and will give the state the ability to apply for Race to the Top funds. He encouraged the Board to oppose any of Governor Gibbons' proposals for further cuts in education.

Kathleen Conaboy, K-12 Inc., commented that the discussion linking charter school sponsorship and recommendations to ACR 2 governance may not be what the Board actually intended.

At 3:09 p.m., President Ruggiero recessed the meeting to resume on Friday, December 4, 2009, at 8:30 a.m.

MINUTES OF THE REGULAR MEETING, DECEMBER 4, 2010

BOARD MEMBERS PRESENT:

In Las Vegas:

Anthony Ruggiero, President
Jan Biggerstaff, Member
Gloria Bonaventure, Member
Willia Chaney, Member
Charlotte Hill, Member
Christopher Wallace, Member
Craig Wilkinson, Member
Zhan Okuda-Lim, Student Representative

In Carson City:

Dr. Cliff Ferry, Vice President
Dave Cook, Member
Ken McKenna, Member

DEPARTMENT STAFF PRESENT

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services
Karen Johansen, Administrative Assistant to the State Board of Education

In Carson City:

Jim Wells, Deputy Superintendent, Administrative and Fiscal Services
Lori Johnson, Executive Assistant to the Superintendent of Public Instruction

LEGAL STAFF PRESENT:

In Carson City:

Dr. James E. Irvin, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Nicole Rourke, Clark County School District

Jerry DeLuca, Educational Testing Services

Peter Yeager, Educational Testing Services

Brenda Jones, Sierra Nevada College

Andre Yates, Clark County School District

In Carson City:

Cy Ryan, Las Vegas Sun Newspaper

Recall to Order; Roll Call; Pledge of Allegiance

President Ruggiero re-called the meeting to order at 8:40 a.m. and led the meeting in the Pledge of Allegiance. Roll call was heard with a quorum of all members present.

Evaluation and possible reappointment of the Superintendent of Public Instruction regarding the “General Duties “for the position as outlined in NRS 385.175 and the Department’s 2009-10 Accomplishments Report

Dr. Keith Rheault addressed the handout provided to the Board with support information for the Approval of the Superintendent’s Evaluation and possible Re-appointment. He reviewed Nevada statute governing the Superintendents appointment and position:

- NRS 385.150 Appointment; removal; vacancy; classification.
- NRS 385.175 General duties.
- NRS 241.031 Meeting to consider character, misconduct or competence of elected member of public body or certain public officers.

Dr. Rheault said his approach in carrying out his duties has not changed since his initial appointment. He stated that he follows three primary tenets for the Department: providing timely information and common sense decisions on state policies that govern school districts and charter schools; instill in department employees the primary reason the Department exists is to support the success of students in the state through technical assistance to first line stake holders - school districts, charter schools and parents; and to partner and collaborate with all educational communities within the state to include the Governor’s office, the Legislature, parents, the University system, the media and other advocacy groups.

Dr. Rheault said there have been no major issues or crises that occurred in the past three years and numerous Federal audits were conducted. In the few cases where it was identified that Department operations could be improved, it was usually attributed to either a lack of available staff time or a difference of interpretation in implementing a new law or existing regulations.

Dr. Rheault further described the three general duties of the Superintendent by detailing:

- The continued challenge regarding the number of Councils and Commissions within the State that have authority to implement K-12 education policies and programs that are legislatively required to be supported by the Department of Education.
- Employing personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

- Maintaining liaisons and coordinating activities with other state agencies performing educational functions.

He said if re-appointed to the position as Nevada Superintendent of Public Instruction, his major priorities over the next three years include:

- Revise the K-12 governance structure of the state to ensure that the most efficient, effective and accountable structure is in place to implement Nevada's K-12 educational policies, programs and activities.
- Increase the technology capacity of the Department to provide for more efficient operations within the Department and to assist the public in accessing information and services of the Department.
- Advocate and support legislation and funding opportunities that will provide additional programs and services that directly assist high priority K-12 public education programs and services in relation to: the achievement gap between Nevada's student populations; the graduation/drop-out rate of students; and programs that increase the availability, professional development, and retention of high quality school personnel within the state.

Dr. Rheault concluded his presentation by reviewing the highlights of his accomplishments over the past three years.

Members of the Board expressed their respect for Dr. Rheault and stated they were fortunate to have someone with his knowledge and experience as the Superintendent of Public Instruction.

Member Cook disclosed that following ethics ruling 98-70, and because he has a long-standing personnel relationship with Robinette Bacon, an employee of the Department of Education, he is prohibited in participating in the evaluation process and will abstain from voting today.

Member Chaney disclosed she will abstain from voting and commenting on the evaluation of the Superintendent based on the fact she has ongoing litigation with the Department of Education from 1998.

President Ruggiero read a letter received from Walt Rulffes, President, Nevada Association of School Superintendents, and Superintendent, Clark County School District, into the record:

Dear President Ruggiero and Members of the Board:

The Nevada Association of School Superintendents (NASS) is honored to support the reappointment of Dr. Keith Rheault as Superintendent of Public Instruction for the State of Nevada.

Dr. Rheault is a valued member of NASS. More importantly, he is a consistent, credible, and committed advocate for education in our state. Over the many years he has served schools in Nevada, he has been a capable and effective conduit of accurate information. In spite of the wide variety of requests coming from diverse quarters, he is equally responsive to districts across the state, both large and small. In particular, our small rural schools and districts rely heavily upon Dr. Rheault and the excellent staff at the Nevada Department of Education to help them accomplish their primary purpose of improving student achievement. Under his direction, both state and federal grants are administered, providing a smooth process to allocate resources in a fair and timely manner. His masterful ability to deploy his minimal staff in the most effective manner possible has been an invaluable asset to schools and the students they serve throughout the state.

NASS wholeheartedly endorses and recommends to the Board the reappointment of Dr. Keith Rheault as Superintendent of Public Instruction for the State of Nevada

*Sincerely,
Walt Rulffes*

President Ruggiero inquired about the four staff positions Dr. Rheault requested from the Interim Finance Committee.

Dr. Rheault replied there is a need for additional staff to oversee the new state sponsored charter schools. Four additional staff is needed for the Charter Office, including someone with fiscal analysis experience as well as a technical assistant to meet the needs of the school districts. New applications for charter schools that will be sponsored by the State board are being received for approval this spring. The number of schools applying is in the teens and the third largest school district in the State is board sponsored charter schools. Dr. Rheault added they require adequate staffing to operate.

President Ruggiero inquired about Dr. Rheault and his staff converting teacher licensure data to electronic files.

Dr. Rheault said that a three-year effort moving 28,000 licensing records to electronic files is almost complete, resulting in the Nevada Department of Education licensing becoming more efficient and seamless.

In response to President Ruggiero, inquiring about repercussions from Governor Gibbons' budget cut requests, Dr. Rheault stated that state revenues under the Department of Education are \$13 million in state appropriations. Of that amount, half is going to state contracts for state assessments. The second area of funding goes directly to the department for school support teams, some of which can be cut. Staff salaries and operating costs is the last amount that may need to be cut (approximately two FTE positions).

Operationally, the NDE is in a good place building those costs into budgets. Mail cost is now much less with the use of email. Staff positions have been maintained. Sixty percent of the positions are federally funded, but the State funded positions might be effected.

President Ruggiero recommended the NDE explore going paperless using electronic files and laptop computers for State Board meetings. He asked Dr. Rheault to elaborate about reserve funding.

Dr. Rheault explained the department has a full time grant writer the State has paid for over the past four years. The grant writer explores additional funding that may be available through grants.

President Ruggiero asked Dr. Rheault to elaborate on what the 2009 Legislature wanted to accomplish with SB 330. Dr. Rheault answered that the direction of the legislature changes with new legislators. He said there had been an interest in eliminating the Department of Education and moving the Superintendent under Human Resources 20 years ago. He stated there have been many individual bills, including the recent SB 330, which supports change. Dr. Rheault explained the Legislature wanted more control to direct the Superintendent and accomplish what they wanted rather than what the State Board or the Superintendent wanted. Dr. Rheault stated some of the items in SB 330 have been accomplished, including an equitable distribution of teachers at all the schools. The department continues to work on improvements based on the STIP.

President Ruggiero said he asked these relevant and pertinent questions to Dr. Rheault so the public would understand the Board is not reappointing the Superintendent without deliberate consideration. He added that the reappointment of Dr. Rheault represents continuity in time of economic uncertainty.

Member Biggerstaff moved to reappoint Dr. Keith Rheault as Superintendent of Public Instruction for another three years. Member Hill seconded the motion. The motion passed with 7 yes votes, 2 absent and 2 abstentions.

Dr. Rheault accepted the reappointment and thanked the Board for their confidence, then stated he has the two best deputies working with him along with good directors and staff to assist with the job.

President Ruggiero recessed for a ten-minute break at 9:41 a.m.

Final Recommendations for the Interim Study of K-12 Governance in Education (ACR 2)

Member Ferry said the State Board's recommendations on governance for ACR 2 should be the Board's idea of what is best for the children and youth in Nevada, and negotiations of a Charter School Institute should not be included.

Member Cook disclosed that under ethics ruling 98-70 he would not vote because he has had a long-term relationship with Robinette Bacon, an employee of the Department of Education. In addition, he disclosed he is a member of a governing body of Sierra Crest Academy, a charter school that is not state sponsored. He added he is a part time math instructor at a state sponsored charter school, Beacon Academy, and will abstain from voting.

Member McKenna agreed with Member Ferry stating the vote needs to be clear. He said in a previous board meeting the Board voted to recommend the Legislature consider creating a separate Charter School Institute, which would have the governing authority regarding Charter schools in a like manner as a school district with the State Board having the oversight for education.

Member McKenna made a motion the Board adopt Superintendent Rheault's recommendations from yesterday with the change to expand the State Board to 13 members mirroring the Nevada State Higher Education System. The motion carried with 7 yes votes, 2 abstentions, and 2 absent.

Board Member/Public Comment

Member Cook reported on the NSBE conference he attended in Reno. He recommended the Board and the Department of Education considers using the Measures of Academic Process (MAP) system as a replacement to the high school proficiency exams and incorporates it in the AYP process. He explained it is an exciting process and a superior form of evaluations. Member Cook reported he was asked by the National Association of State Boards of Education to serve a three-year term on the finance and audit committee. He said they would arrange for him to travel to Washington DC to work on audit and finance issues. Member Cook said Governor Gibbons has appointed him to the Commission on Post Secondary Education. Member Cook asked Dr. Rheault to comment on MAP at a future Board meeting.

Carolyn Edwards, Vice President Clark County School Board, stated Clark County has a system in place that is not MAP, but works very well. She said MAP is more expensive then the system they use and she can provide a perspective on what works for them when MAP comes up for discussion in a future Board meeting.

18. Adjournment

President Ruggiero adjourned the meeting at 10:00 a.m.