

Minutes
Clark County School District
Special Meeting of the Board of School Trustees
Edward A. Greer Education Center, Board Room
2832 E. Flamingo Road, Las Vegas, NV 89121

Monday, March 23, 2020

8:09 a.m.

Roll Call: Members Present
 Lola Brooks, President
 Linda P. Cavazos, Vice President
 Danielle Ford, Clerk
 Irene Cepeda, Member
 Chris Garvey, Member
 Deanna L. Wright, Member
 Linda E. Young, Member

Jesus F. Jara, Ed.D., Superintendent of Schools

Also present were: Mary-Anne Miller, Board Counsel, District Attorney's Office; Carrie Bourdeau, Senior Assistant General Counsel, Office of the General Counsel; Mike Casey, Chief Operating Officer, Operational Services Unit; and Cindy Krohn, Director, Board Office.

Adoption of the Agenda

Adopt agenda.

Motion: Wright Second: Cavazos Vote: Unanimous

Resolution of the Clark County School District Board of Trustees Regarding Limited Authority Granted to approve Certain Matters Following Emergency Meeting of the Board Pursuant to NRS 241.0220(3)

Approval on granting specific authority to Jesus F. Jara, Superintendent of Schools, to approve and effectuate the following items which would otherwise require prior Board of Trustees' approval of a time-sensitive purchase award item for Veritas Hardware and Software Products and Services and, in which would otherwise be considered by the Board of Trustees in the March 26, 2020, consent agenda; approve a time-sensitive purchase award item for National Elevator Inspection Services which, together with previous inspection invoices, will exceed \$50,000; approve the renewal of engagement with Eide Bailly LLP as the external independent financial auditing firm for the Clark County School District for the fiscal year ending June 30, 2020, including performance of required financial and federal compliance audits, review of annual reports for Vegas PBS to meet certification requirements of the Corporation for Public Broadcasting and other actions as necessary to comply with Nevada Statutes and Board of School Trustee's policies, including but not limited to NRS 354.598005;

Resolution of the Clark County School District Board of Trustees Regarding Limited Authority Granted to approve Certain Matters Following Emergency Meeting of the Board Pursuant to NRS 241.0220(3) (continued)

submittals of proposals to Oversight Panel for School Facilities as may be required for Bond issuance pursuant to NRS 350.020; approve and authorize payment in the amount of \$125,749 as fees and costs to counsel for the Las Vegas Review Journal as is required by the Order of Affirmance issued by the Nevada Supreme Court on March 2, 2020, in that case designated as *Clark County School District vs. Las Vegas Review Journal, Respondent*, Docket No. 75534; authorize payment of change orders and contracts in connection with the Facilities Services Unit for existing construction projects as may have been included on the agenda for the meeting of the Board of Trustees which was scheduled to occur on March 26, 2020, and as would have been placed on agendas for Board of Trustees' meetings which would otherwise occur during the period in which the Resolution is effective, as requested in Reference 2.01. Notwithstanding, the foregoing authority, any action taken pursuant to this Resolution shall be presented to the Board of Trustees for ratification at the next regularly scheduled open meeting after the action is taken, in conformance with, and as reasonably required by this Resolution.

Ms. Miller explained that the resolution before the Board for approval is a limited grant of authority to allow the Superintendent to approve various contracts and purchase items that are essential to the operation of the District during a 30-day period, but which would ordinarily come before the Board for approval.

Trustee Cavazos asked for clarification that anything that is approved under this limited authority would be brought back to the Board for ratification at a future Board meeting.

Ms. Miller said that is correct.

Trustee Ford asked why each of these items listed are being considered emergency items.

Ms. Miller explained that these are items that would ordinarily come before the Board on the March 26, 2020, meeting, which was canceled, and are needed for the continued operations of the District in compliance with law.

Superintendent Jara stated that the items listed here are time sensitive.

Trustee Ford asked if the Board could expect other items like this to come forward at the next meeting that may be due in April.

Superintendent Jara said with the governor's direction they should be able to bring those items to the Board at a meeting by the end of April.

Trustee Ford said the next meeting then would include those items for April and these listed here for ratification.

Resolution of the Clark County School District Board of Trustees Regarding Limited Authority Granted to approve Certain Matters Following Emergency Meeting of the Board Pursuant to NRS 241.0220(3) (continued)

Superintendent Jara answered potentially, yes.

Trustee Cepeda asked if after these 30 days the Board would need to grant additional authority.

Ms. Miller said if an extension of this authority is needed, it would be brought back to the Board for approval before the extension would be effective.

Trustee Garvey asked if there is an anticipated date for the next Board meeting.

Trustee Brooks said the Board is scheduled to have its next regular meeting on April 16, 2020.

Trustee Garvey said she is agreeable to this as long as they stay within the guidelines for change orders and similar items, and there are no unusual changes in policy or procedures for such items.

Trustee Young asked if this could have been a virtual Board meeting held on Thursday with these items so they did not have to grant this authority.

Ms. Miller said it was anticipated when this resolution was drafted that the March 26, 2020, meeting would be canceled, and the governor's emergency regulation suspending certain provisions of the Open Meeting Law (OML) was not known until this weekend. She said in this emergency situation things are happening rapidly, and this authority obviates the need for a March 26 meeting and gives more time for the District to have a more complete agenda in April.

Trustee Young asked if other governmental entities or elected boards are using this type of emergency meeting format. She asked if the Board would be holding virtual meetings moving forward.

Trustee Brooks said with regard to virtual meetings, they would be putting something together and trying to utilize that type of meeting format. She said they did not have any guidance regarding provisions under OML until yesterday.

Ms. Miller said the Clark County Commission has held one emergency meeting but currently does not anticipate the need for another one. She said other boards that held meetings last week practiced social distancing and allowed members of the public to email comments in although it was open to the public. She said the other local governments have given their chief executive officers more delegated power to approve emergency purchases in their charter or in their code provisions. She said this delegation that is already established for the Superintendent is limited so that is why this resolution was required.

Resolution of the Clark County School District Board of Trustees Regarding Limited Authority Granted to approve Certain Matters Following Emergency Meeting of the Board Pursuant to NRS 241.0220(3) (continued)

Trustee Ford asked if the Clark County Commission emergency meeting was to approve items similar to the items for this meeting or was it to discuss actual emergency issues happening right now.

Ms. Miller stated that the Clark County Commission emergency meeting was to adopt an ordinance in response to the governor's order to close nonessential businesses. She said the County Manager has extensive emergency powers including the power to approve contracts that are necessary so there was no need for this type of resolution for them.

Trustee Cavazos asked if another emergency is needed for time sensitive items, the Board could be notified and follow its usual protocol of conducting an agenda review.

Superintendent Jara said before full action is taken, he would continue to have daily, constant communication with the Board to ensure they are aware of decisions that he would be making.

Trustee Cavazos said if the Board is not effectively informed, they are not able to give effective communication to the public, and she feels that is what happened with this meeting. She asked that the Board is kept informed on a timely basis of emergency meetings or virtual meetings.

Trustee Brooks read a question that was submitted by a member of the public asking if this meeting was being held because of a cancellation of Board meetings for the next 30 days.

Trustee Brooks said the March meeting was canceled, and the next Board meeting was scheduled for April 16, 2020, which may or may not be virtual.

Motion to approve Item 2.01.

Motion: Wright Second: Cepeda Vote: Unanimous

Emergency Program of Distance Learning

Receive a report from the Superintendent regarding an Emergency Program of Distance Learning, direct the Superintendent on communication to the Nevada State Department of Education, and take other action as appropriate.

Superintendent Jara talked about the challenges the District faces with providing distance learning to all students in Clark County knowing that not every student has access to a computer or access to some of the materials posted online. He said he is being asked to develop a distance education program over a matter of days, which is something that typically takes years to accomplish. He said the goal is to provide the best opportunities and options for kids and to do the best we can on behalf of our community and our students. He said it is important for the entire Board to understand the challenges and once it is ratified and approved by the full Board, he would sign it with the Board president and submit it to the state immediately.

Emergency Program of Distance Learning (continued)

Trustee Ford asked for clarification on what has been the recommended course of action thus far.

Superintendent Jara stated that after schools were closed on Sunday, an email regarding school closures and what the process was going to be was sent to all principals and said they would be communicating and sharing the curriculum information that would be available on the District website. He said he directed staff to move all the distance learning opportunities out from under the COVID-19 page because it was getting lost. He said staff had prepared packets for kindergarten through 12th grade to share with building principals. He said regional staff has had Zoom meetings with individual principals. He stated that in the latest communication the District received direction from the state on how attendance of students would be taken for funding. He said there has been some concern expressed around how the District would continue to provide support for special education and Individualized Education Plan (IEP) students.

Trustee Ford asked what the challenges are in supporting special education and IEP students, what other states are doing to support those students, and is there anything the District can emulate.

Superintendent Jara said California, Texas, and Florida have been able to get ready by limiting the digital divide in their districts and are better prepared because they have worked on a distance learning program over the last 5 or 6 years and have provided professional development. He said he is discussing mailing education packets to students' homes.

Trustee Ford said mailing packets could be dangerous because of exposure to the Coronavirus, and she suggested perhaps placing printers in hotspots or learning center hubs and providing families with a time and location for them to come print their materials.

Trustee Cepeda asked if it would be possible for families to check out Chromebooks or other devices. She also asked how attendance would be taken and if there are implications for low attendance. She asked if the District's school calendar would have to be modified since the District would not be starting distance learning today.

Superintendent Jara said they are looking at the possibility of lending digital devices to families.

Trustee Brooks asked about access to the internet for families.

Superintendent Jara said staff has been working with Cox Communications and other providers to provide internet access to families as well. He said they are asking that teachers and staff take attendance once per week, as is the current requirement under Nevada Revised Statutes (NRS). He said the state has not provided information around any consequences for students not being able to attend. He said with regard to the school calendar, CCSD has begun distance learning today to the best of its current ability across the District.

Emergency Program of Distance Learning (continued)

Ms. Miller expressed concern with the verbiage on the document sent by the state, which she said requires certifications that would meet the state's requirements and that would meet certain United States Department of Education (US DOE) requirements of a certain date, and those have already evolved in less than 48 hours. She suggested that if the Board is going to approve this, they consider modifying the language to say "the District will use its best efforts to comply with the latest Nevada DOE and US DOE directives."

Superintendent Jara agreed with Ms. Miller's recommendation.

Trustee Garvey agreed with modifying the document to allow the District to do what it needs to do, taking its unique circumstances into consideration. She suggested focusing on seniors and directing necessary resources to them so they can still be on track for graduation timelines.

Superintendent Jara said there are a great number of students who are currently credit sufficient to graduate, and he would be reviewing a plan today focused on seniors.

Teleconference Call Disconnected

Teleconference Call with Trustee Garvey was disconnected.

Emergency Program of Distance Learning (continued)

Trustee Wright asked about the 21st Century grant through the NV DOE.

Superintendent Jara explained that the 21st Century grant, which was approximately \$21 million, was moved for raises for employees so the District did not receive that money for technology this year.

Trustee Wright expressed concern that the state asked Superintendent Jara and the Board president to sign a letter, which she feels was inappropriate because the Board president does not have individual authority and because of the timing being that the state does not conduct business on Fridays and that the Board does not meet over the weekend. She said she also does not feel the letter adequately addresses the deep concern the Board has with the digital divide in the community or the difficulties or challenges of meeting the educational needs of special needs and special education students.

Trustee Wright said she cannot support anything that does not include language that states that the District would do its best, and she does not support anything with language that includes guarantees that they will deliver education. She said she supports the language recommendation from Ms. Miller.

Trustee Wright asked that during this situation, when a directive is sent to principals, it also be provided to Board members so they can have information and answers for community members.

Emergency Program of Distance Learning (continued)

She suggested requesting that Cox Communication provide internet access to families during this time.

Trustee Brooks said she suggested to Superintendent Jara that he place an FAQ section on the District website to provide information so everyone could see the communications that are taking place.

Trustee Young agreed that students need to be provided with internet access first in order to utilize the digital tools that could be provided. She said there needs to be better communication with parents about what they can do to follow the direction of the schools and the teachers. She suggested also that the area where the District is providing meals to students needs to be broadened so that more students can reach areas that are more centrally located. She expressed concern for homeless youth and concern for special education students that a standard distance education format may not work for them. She noted that there are learning opportunities through Vegas PBS that can align with state standards.

Trustee Brooks said they should also be mindful of things that are beyond the digital divide, such as the challenges for families that may have internet access but multiple children with one shared computer and who are getting instructions from multiple schools. She agreed that resources to students should be prioritized with a focus on seniors as those students have the least amount of time to make up any time lost.

Trustee Cavazos agreed with Trustee Cepeda's suggestion for lending out Chromebooks. She said in putting together an action plan, teachers need to be consulted and more specifically, distance education teachers. She said the districts and demographics are different across CCSD, and teachers and principals should be advising on what is needed. She asked if this is approved, what the plan of action would be.

Superintendent Jara said at the regional level messages and packets are being sent out, but it is at the school level that those teams have to develop their action plan to deliver the distance learning opportunities. He also stated that students who do not have access would not be penalized, and teachers who have not had the proper professional development would not be penalized because they have not had training necessary to deliver instruction in this particular manner.

Trustee Cavazos asked if there is a distance learning plan that has been submitted to the state or is that the purpose of this meeting.

Emergency Program of Distance Learning (continued)

Superintendent Jara said the distance learning plan is on the CCSD website. He said it includes the packets online for students to logon at home, and for students without access to computers, packets would be provided at the food drop locations. He said principals also have them available for their staff. He said they will also learn from teachers as they hold weekly virtual staff meetings.

Trustee Cavazos asked Superintendent Jara to speak about distance learning opportunities for kindergarten through 2nd-grade students.

Superintendent Jara said there are packets and different online platforms available, but the District is not mandating that students use specific devices or platforms.

Trustee Cavazos asked if there was a way to redirect savings from facility closures for other things such as employee pay.

Superintendent Jara said such savings are on things that are paid for on a monthly basis and cannot be redirected right away. He said the District must plan for the future and any money that is being saved now is going to be needed next year or for the next legislative session because he does not think the District is going to have enough money in 2021.

Trustee Cavazos asked if it would be possible to use public broadcasting through Vegas PBS.

Superintendent Jara said yes, some of the curriculum is offered through Vegas PBS and is listed in the learning opportunities on the District website.

Trustee Young agreed that we need to pull in teachers and support professionals during this time. She talked about the opportunities for learning that can come out of this. She reminded everyone not to forget the rural communities, communities that are already at a disadvantage, and families and communities that have different cultures and languages.

Trustee Brooks read questions submitted by members of the public and said answers to those questions, if possible, would be placed in the FAQ section on the District website.

Trustee Cavazos asked if food sites would continuously be updated. She said a constituent asked if area code 89030 could be reevaluated for a food site.

Mike Casey, Chief Operating Officer, Operational Services Unit, said the food sites were configured in collaboration with the Southern Nevada Health District and must be within an eligible site. He said the sites are currently at full capacity with resources. He noted that the sites are currently located in high schools because of the need for the high school kitchen facilities to assist in distribution. He said if they were to reevaluate the use of other facilities, it would have to be in an eligible area, and they would probably have to switch one facility for another because at 28 sites, they are at capacity for resources.

Emergency Program of Distance Learning (continued)

Trustee Cavazos asked if the District is working with community partners.

Mr. Casey said yes, the District is working with community partners to cover gaps in the community.

Trustee Cavazos asked if long-term substitutes were being paid right now.

Superintendent Jara said only substitutes in vacant positions are being paid currently.

Trustee Cavazos asked that the Superintendent keep long-term substitutes in the forefront of his thoughts and in the action plan moving forward because they are needed.

Trustee Ford agreed with Trustee Cavazos' comments regarding substitute teachers. She said she believes all of the substitutes should be getting paid. She asked if the 2:00 p.m. on Sunday deadline to respond to the state was met.

Superintendent Jara said he sent a memorandum to the state at approximately 2:20 p.m.

Teleconference Call Connected

Teleconference call with Trustee Garvey was connected.

Emergency Program of Distance Learning (continued)

Trustee Ford asked if there was a reason that deadline was not met.

Superintendent Jara said on Sunday he had multiple conversations with Board counsel, general counsel, and a colleague that works with him on equity and civil rights and then reached his executive assistant to finalize the draft so it was just a matter of reviewing the latest guidance and getting in contact with everyone on a Sunday to get the work completed.

Trustee Ford asked if staff was working up until that minute to complete the work.

Superintendent Jara said he has been working significantly and diligently around this crisis to make sure students, staff, and communities are safe and to meet all deadlines and guidelines.

Trustee Brooks clarified that the deadline was for the Superintendent and the Board president to sign this certification, which she said she does not have the authority to do without bringing it before the full Board.

Ms. Miller commented that the 2:00 p.m. deadline was fairly arbitrary, and she feels the District's response was timely under the circumstances.

Trustee Ford asked how many students do not have access to devices.

Emergency Program of Distance Learning (continued)

Superintendent Jara said approximately 63 percent of students would have devices if the District were to lend all available devices so approximately 120,000 devices would be needed for each child to have one.

Trustee Ford asked how many of those children have siblings and how many families that would be.

Superintendent Jara said he does have those numbers at this time.

Trustee Ford asked if the plan to lend out devices would also include lending devices to teachers. She said she does not think that teachers should be expected to use their own devices.

Superintendent Jara said he would have to look at that and get more information back to the Trustees. He agreed with Trustee Ford that they should provide devices to students and teachers and said this is one reason districts have spent several years developing a digital learning plan.

Trustee Ford asked about internet hotspots for access for families.

Superintendent Jara said that is something they have to work on. He said he has had conversations with community leaders, and Silver State Schools Credit Union has agreed to provide some, but it needs to be a comprehensive plan.

Trustee Ford asked if staff has information regarding areas where larger numbers of people do not have devices or internet access.

Superintendent Jara said staff is working on that but do not have details at this time.

Trustee Ford asked if Superintendent Jara knows when to expect that information.

Trustee Brooks asked if schools were asking that question when they contact families.

Superintendent Jara said no and he does not have a definitive answer regarding a timeline for getting that information.

Trustee Ford said having teachers ask that question of families might be a good way of obtaining that information. She asked how much the District is saving in fuel costs for the buses while they are not in use.

Mr. Casey said the District spends approximately \$10 million per school year on fuel.

Trustee Ford asked if the District is considering ways to redirect that money to be used for other things.

Emergency Program of Distance Learning (continued)

Trustee Brooks said all areas concerning finances are being considered. She said to keep in mind that there is going to be a huge budget shortfall at the state level as a result of the severe impact on tourism and businesses.

Trustee Ford asked what other countries are doing and how they are supporting students and practicing social distancing while still providing services to the community.

Superintendent Jara said he does not have an answer regarding what other counties are doing, but he is working with other large, urban school systems and looking at how education will change moving forward.

Trustee Ford shared some of the practices Italy has implemented for their communities. She suggested using the school buses as hotspots and implementing a schedule of weekly visits perhaps beginning with the neediest communities and hand out learning materials and a week's worth of food and provide transportation to a pickup location.

Trustee Cepeda suggested principals should be able to check out Chromebooks and then come up with a plan for lending them out to students who need them.

Trustee Garvey said she also has concerns regarding IEP students and equity in that area and concerns around the varied language skills in CCSD's diverse communities and the educational level of many parents and the difficulty they are going to endure in trying to support their children at home. She said she does not believe the state has offered any additional support in funding or in plans for any areas where restrictions or requirements could be waived or modified. She said she does not have a clear understanding of principals' authority or the state's authority or the District's authority.

Trustee Garvey said because of the Coronavirus there may need to be conversations regarding how the District shares its resources. She asked if the Superintendent has had discussions with state and local emergency response people regarding using school facilities as clinics.

Superintendent Jara said he did have a conversation regarding the use of school facilities with the Clark County Commission chair, but there is nothing definitive at this time.

Trustee Garvey suggested also that a conversation may need to be had with employee bargaining units regarding school nurses being used in an emergency situation. She asked if the District is being told at this time to extend the school closures beyond 30 days.

Superintendent Jara said with the latest information he has been given, the projected return date is April 16, 2020.

Emergency Program of Distance Learning (continued)

Trustee Garvey asked what the Superintendent needs from the Board at this time.

Superintendent Jara asked Ms. Miller to restate her language revision recommendation.

Ms. Miller recommended that the Board approve changes to the form to say “the District is using best efforts, given the digital divide that is present among our students; that they indicate that the Superintendent and the Board approve this document; and further that they will make best efforts to comply with the latest directives from the US DOE, not the directives that are referenced specifically in this document.”

Trustee Garvey said she would support that, understanding that they try and make efforts to be collaborative to have some continuity for students, teachers, and administrators as to what is expected at primary and secondary levels. She asked what the opinion was of legal counsel regarding being able to supersede IEPs with a different model of learning.

Superintendent Jara said that is why the recommendation was to not sign the document as is because there are still updates being made on what that would look like. He said there are also compensatory services if some of the needs of the timelines are not met, and there is information in the communication that he received this morning that he still has to review to meet the needs of students.

Trustee Garvey asked that the Board be updated on that information once it is reviewed.

Trustee Wright agreed with amending the document.

Trustee Young said there have been some things done in the past with regard to distance learning and professional development, and she suggested looking at what was put in place in the past. She suggested pulling in partners such as the higher education institutes as well.

Trustee Cavazos asked if principals have been asked what their Chromebook inventory is.

Superintendent Jara said they know how many they have in total throughout the District and are getting more information from individual principals.

Trustee Cavazos asked Superintendent Jara to clarify sick leave use.

Superintendent Jara asked Trustee Cavazos to provide the questions she is receiving regarding sick leave use and the answer can be provided in the FAQ with the other questions.

Emergency Program of Distance Learning (continued)

Motion to approve Item 2.02 to have the Superintendent work with Mary-Ann Miller, Board counsel, to adapt the form to be sent back to the Nevada Department of Education that will reflect that the District will work to the best of its ability to provide distance education and the other issues recommended by Ms. Miller.

Motion: Garvey Second: Cavazos

Trustee Cavazos commented that the language needs to be very clearly stated.

Trustee Brooks noted that comments by the public submitted in writing would be posted in BoardDocs® as well as the questions submitted during the meeting, and those questions that were answered would be compiled in an FAQ sheet.

Vote on Trustee Garvey's motion was unanimous.

Trustee Ford and Trustee Young were not present for the vote.

Trustee Ford and Trustee Young were no longer present on the teleconference call.

Public Comment on Non-Agenda Items

None.

Ms. Miller asked that comments submitted by the public that were not germane to the agenda be attached to the record of the meeting.

Teleconference Call Connected

Teleconference call with Trustee Young was connected.

Emergency Program of Distance Learning (continued)

Trustee Young voted aye on Trustee Garvey's motion.

Public Comment on Non-Agenda Items (continued)

Trustee Brooks said public comments that were submitted would be attached to the appropriate agenda item in BoardDocs®.

Emergency Program of Distance Learning (continued)

Trustee Brooks said Trustee Ford texted her directly that her vote on Item 2.02 was aye.

Trustee Brooks noted that the vote on Trustee Garvey's motion was unanimous, passing 7 to 0.

Adjourn: 11:12 a.m.

Motion: Wright Second: Cavazos Vote: Unanimous

Trustee Ford was not present for the vote.