

Minutes
Clark County School District
Meeting of the Board of School Trustees
Edward A. Greer Education Center, Board Room

2832 East Flamingo Road, Las Vegas, Nevada 89121

Work Session

Wednesday, June 9, 2021

8:12 a.m.

Roll Call: Members Present
Linda P. Cavazos, President
Irene Cepeda, Vice President
Evelyn Garcia Morales, Clerk
Lola Brooks, Member
Danielle Ford, Member
Lisa Guzmán, Member
Katie Williams, Member

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

Also present were: Mary-Anne Miller, Board Counsel, District Attorney's Office; Luke Puschnig, General Counsel, Office of the General Counsel; Dr. Brenda Larsen-Mitchell, Deputy Superintendent, Office of the Deputy Superintendent; Elizabeth Carrero, Executive Manager/Director II, Office of the Superintendent; Cindy Krohn, Director, Board Office; Jeanetta Edmond, Administrative Secretary II, Board Office; and Dr. Thomas Alsbury, Balanced Governance Solutions™.

Adoption of the Agenda

Adopt agenda, except note additional reference material provided for Items 3.02 and 3.03 and move Item 3.04 to precede Item 3.02.

Motion: Brooks Second: Guzmán Vote: Unanimous

Public Comment on Non-Agenda Items

In-person public comment:

John Carlo said he visited the Superintendent's office and requested data related to graduation rates and teen pregnancy rates and said this is the second time he has spoken publicly about it and that he also called several times to request that information.

Public Comment on Non-Agenda Items (continued)

Voice-recorded public comment:

Alejandro Solis Reyes said he believes American Rescue Plan (ARP) funds should be used to provide wraparound services for students. He said students need counselors and school psychologists to talk to when they are in trouble or need help.

Public Comments at Board Meetings

Discussion on how public comment is currently conducted at virtual and in person meetings of the Board of School Trustees.

Trustee Cepeda mentioned that the current technology in the boardroom may not be sufficient to accommodate some means of providing public comment.

Trustee Ford said she would like to explore some innovative ways of allowing public comment and look at ways other school districts are gathering public comment and making it easier for people to provide comments.

Trustee Williams stated that whatever protocol the Board chooses, the process and amount of time allotted for each public commenter should be adhered to as well as the time allotted for Trustee discussion on items.

Trustee Brooks said she does believe that engaging with the community is important but they all must be mindful of the reason they are in the meeting, which is to move the business of the District forward. She said it is unfair to grant additional time to some speakers and not others; it is unfair for people to use three different paths to make the same comment on the same item; and it is unfair for the same people to speak during the first public comment period and the second public comment period. She agreed that they should explore other options for public comment, such as live call-in sessions and suggested gathering public input through live call-in and in person.

Trustee Garcia Morales agreed with the need to look at other ways to gather public comment at the meetings. She said currently the Board is prohibited from having conversations with public speakers during public comment period, and she suggested the Board should also hold more community engagement activities so the Trustees could be more accessible and hear the communities' concerns.

Trustee Guzmán stated that the legislature allowed people to speak in person and they allowed their constituents to call in via Zoom and make their comments, and that the legislature was able to consider those comments as they voted. She said it was efficient and suggested the Board should consider that.

Public Comments at Board Meetings (continued)

Trustee Ford stated that some other school districts hold a public comment event separate from their meeting, and she suggested if the Board was interested in doing that, it should be scheduled close to their Board meetings. She said people can speak there and have their comments put on the record, and the Board could focus more on the business items during the Board meeting. She explained why speakers are given different amounts of time to speak as is stated in current policy, and she suggested having Dr. Alsbury look at how to adjust the times allotted for public comment. She suggested that reformatting the front page of the agenda could help people understand how to utilize public comment.

Trustee Cavazos agreed that the communities' voices need to be heard but said she also believes there needs to be a balance between that and attending to the business of the District. She noted that the voice-recorded comments and the written comments were instituted in response to emergency guidelines due to the pandemic so the Board would need to have further discussion on their preferences. She said she also does not want to abruptly discontinue a method of providing public comment the public has become accustomed to.

There was brief discussion around the process for changing the public comment parameters and the Board's involvement.

Trustee Ford suggested utilizing a free tool for the written comments which would have a character limit and that it could ask for a summary and provide examples of a summary and have a button to attach additional materials.

Trustee Brooks asked Dr. Alsbury to weigh in on what the Board's role would be during this process.

Dr. Alsbury agreed with the comments made by the Trustees. He said other districts are exploring other avenues for public comment so they can hear the comments but also have interaction with the public on their concerns. He said broadening proactive opportunities, being intentional, and holding community activities that are scheduled and identifying community voices is advisable. He said there may be some potential for changes to the policy in terms of adding approaches and modifying the time limits. He said there is value in giving broad direction to the Superintendent as to the kinds of things the Board wants to see accomplished in public comment while allowing the Superintendent and his staff to find vendors and bring recommendations back to the Board.

Ms. Miller reminded the Board that the written public comment was added as a temporary solution during the pandemic and that a member of the public could send in a video or an email to any Board member at any time. She said it would be her recommendation to eliminate written public comment as part of the public comment period.

Public Hearing

In-person public comment:

Public Comments at Board Meetings (continued)

Sylvia Lazos stated she was the subject of defamation and libelous comments during a previous Board meeting and said the Board can, as a matter of policy, stop a person from speaking when those comments are directed to a private individual in the nature of a defamation and libelous comments. She said it is administrative law that governs the issue of public comment, which says a state unit benefits from hearing from the public.

John Carlo agreed with the comments the previous speaker made. He said the Board needs public comment to be able to hear from the community. He said the public should also be given water. He said the Board should also consider public radio so people can listen to the meetings and should consider holding more community events using public libraries.

Approval of the Minutes

Approval of the minutes from the regular meeting of April 8, 2021, as recommended.

Motion to approve.

Motion: Brooks Second: Guzmán Vote: Unanimous

Board Review of the Clark County School District Board of Trustees' Governance Policy B/SE-1: Board and Superintendent Evaluation Methodology

Discussion and possible action regarding suggestions for future modifications, additions, language changes, and deletions to, B/SE-1: Board and Superintendent Evaluation Methodology, is requested. By direction of the Board, any changes recommended at this meeting will not be implemented unless adopted by the public policy review process at a regular meeting of the Board of School Trustees.

Public Hearing

In-person public comment:

Sylvia Lazos, speaking on behalf of the Nevada Immigrant Coalition (NIC), talked about the importance of a proper evaluation process. She said the last evaluation of the Superintendent the Board conducted was poor and there was no discussion of the ongoing violation of English Language Learner (ELL) and special education issues that affect children's civil rights. She suggested the Board implement a 360 process to gain input from the community regarding how the Superintendent has communicated and worked with community groups.

Danielle Ford said as a citizen of Clark County and the parent of CCSD students, she believes the Board should not continue with the revision or adoption of the policy until shown proof that the policy was created by Dr. Alsbury. She said it appears that Trustee Brooks and Joe Caruso, Special Assistant to the Superintendent/Liaison to the Board of Trustees, Community Services Department, Office of the Superintendent, on behalf of Superintendent Jara, wrote policies that would favor the Superintendent. She shared some evidence to support her claims. She implored the Board to look at the evidence before moving forward with any of these policies.

Board Review of the Clark County School District Board of Trustees' Governance Policy B/SE-1: Board and Superintendent Evaluation Methodology (continued)

Anna Binder stated teachers and staff feel like they are not being identified as stakeholders with relation to the Superintendent's evaluation. She said it is concerning to see a social media post from Trustee Brooks that said "when she didn't like the rules, she rewrote them" and then to hear the statements from Danielle Ford.

Kamilah Bywaters said what she just heard is very alarming and she hoped that an investigation would be conducted to evaluate the claims made by Danielle Ford. She said it is important that community leaders are truthful, honest, and transparent. She asked the Trustees to think about "how they are doing good in the world today" in their decision-making.

Trustee Cavazos asked Ms. Miller to advise on the process with regard to evidence submitted by Trustee Ford during public comment.

Ms. Miller stated that the Board could take any information provided to them and that they have shared under consideration when taking action as a Board.

Trustee Ford asked for a short recess so the Trustees could review the information that she has brought forward.

Trustee Garcia Morales asked if there is anything that needs to be taken into account given that the information was pulled by a Trustee but presented as a community member. She said she finds the dual roles concerning. She said delaying this process is also upsetting.

Ms. Miller stated that the Trustees are elected officials and it is up to each of them to decide how much weight to give the information that has been submitted.

Trustee Williams said the Board has seen the emails, as they were part of a public records request, and this is a community member's opinion of the select emails she wants the Board to read. She said she does not believe the Board needs a recess to review the information. She agreed with Trustee Garcia Morales that the Board needs to move this process forward.

Trustee Brooks stated that a single member of the Board has no authority to change a policy, so if policies were rewritten, those policies would still have to come before the Board, and a majority of the Board would have to vote in favor of changing them. She stated also that the work she and Mr. Caruso have done was to merge existing policies with what Dr. Alsbury wrote. She said if they are going to allow one Trustee to derail this process, she would be in favor of tabling this until the Board could move forward as a group. She noted that the Board has already missed the deadline to adopt any new evaluation process, and she suggested exploring the evaluation process used by other entities.

Board Review of the Clark County School District Board of Trustees' Governance Policy B/SE-1: Board and Superintendent Evaluation Methodology (continued)

Trustee Williams asked if Trustee Ford would be able to vote on this item or anything associated with this item because of her dual role as a community member and a Trustee, which is of concern to her.

Ms. Miller said that as some of the Trustees have stated that they have researched this concern and do not have an issue with it and some do not feel they need to take a recess, the Board should just direct their actions to whether or not they want to move forward with this today or not.

Trustee Cavazos asked for confirmation that there is no conflict of interest that would keep Trustee Ford from voting.

Ms. Miller said that is correct.

There were some very brief comments and questions about what took place in the writing of these draft policies and about moving forward at this time.

Trustee Ford asked Ms. Miller if it was within her scope to question where the verbiage in the policies came from and to ask for proof that it was developed by Dr. Alsbury.

Ms. Miller stated that Trustee Ford has made her point very clearly and that she has raised the procedural question of whether the Board wants to proceed in light of that point. She said she does not get the sense from the discussion that the Trustees want to stop this process. She recommended that the Board move forward on the posted agenda and said Trustee Ford can keep in mind, to the extent that she wants to, the comments of all the Trustees. She stated the most important factor today is not to know where the verbiage came from but whether she agrees with the content of the language.

Trustee Ford disagreed and said that she feels it is very important to know where it came from and that she thinks it came from Trustee Brooks. She said she would not participate in the editing of this policy.

Board Member Leaves

Trustee Ford left the dais at 9:31 a.m.

Board Review of the Clark County School District Board of Trustees' Governance Policy B/SE-1: Board and Superintendent Evaluation Methodology (continued)

Dr. Alsbury stated they would be using the same procedure they used previously to review and revise these policies, as shown in Reference 3.02 (C).

Dr. Alsbury led the Board through the process for review and revision suggestions for draft policy B/SE-1: Board and Superintendent Evaluation Methodology.

Board Member Returns

Trustee Ford returned to the dais at 11:09 a.m.

Board Review of the Clark County School District Board of Trustees' Governance Policy B/SE-1: Board and Superintendent Evaluation Methodology (continued)

No action was taken on this item.

Board Review of the Clark County School District Board of Trustees' Governance Policy B/SL-2: Unity of Control

Discussion and possible action regarding suggestions for future modifications, additions, language changes, and deletions to, B/SL-2: Unity of Control, is requested. By direction of the Board, any changes recommended at this meeting will not be implemented unless adopted by the public policy review process at a regular meeting of the Board of School Trustees.

Public Hearing

In-person public comment:

Sylvia Lazos said she is alarmed by the draft policies that are being brought forth. She talked about duty of care being part of the fiduciary duties of a Trustee and said this policy hampers the Board's ability have full information.

Danielle Ford, speaking as an individual Trustee, as a parent to CCSD students, and as a citizen, stated that she believes the Board should not move forward with the revision or adoption of any draft policies before seeing proof that the policies were created by Dr. Alsbury. She said she has reason to believe that Trustee Brooks used deceptive tactics, attempting to submit an altered Unity of Control policy without the Board's knowledge. She urged everyone to tell the truth about the origination and revision of this policy and for the Board to look at the evidence provided without personal bias and to ensure this is resolved with a sense of urgency.

Trustee Brooks asked for clarification of whether Trustee Ford was speaking as a Trustee or as a member of the public.

Trustee Ford said she was noting that she was not representing the full Board and said she was mostly speaking as a citizen.

Trustee Ford requested that the Board take some time to review the documents she provided.

No Trustee expressed a desire to take time to review the information provided by Trustee Ford at that time.

Trustee Ford declined to participate in Item 3.03.

Board Member Leaves

Trustee Ford left the dais at 11:26 a.m.

**Board Review of the Clark County School District Board of Trustees' Governance Policy
B/SE-1: Board and Superintendent Evaluation Methodology (continued)**

Dr. Alsbury reported that the Board agreed to 16 individual revisions to B/SE-1: Board and Superintendent Evaluation Methodology.

**Board Review of the Clark County School District Board of Trustees' Governance Policy
B/SL-2: Unity of Control (continued)**

The Board completed the process for review and revision suggestions for draft policy B/SL-2: Unity of Control.

Dr. Alsbury said he would complete the revisions noted and asked who he should send those to.

Trustee Cavazos said the revisions would be sent to the entire Board and then forwarded to the Superintendent and anyone else who needs to be copied.

Dr. Alsbury said the revisions should be completed in two weeks.

Trustee Brooks asked what the next steps would be.

Board Member Returns

Trustee Ford returned to the dais at 12:27 p.m.

**Board Review of the Clark County School District Board of Trustees' Governance Policy
B/SL-2: Unity of Control (continued)**

Trustee Cavazos said she and the Superintendent have been discussing the timeline to get the work completed.

Trustee Brooks asked about forwarding any substantive changes to Dr. Alsbury.

Trustee Cavazos said the Trustees are to contact Dr. Alsbury directly on any questions or concerns.

Dr. Alsbury stated that if he did receive an individual request for revision, he would immediately send that back to Trustees Cavazos, Trustee Cepeda, and Mr. Caruso and ask for direction.

No action was taken on this item.

Upcoming Meeting of the Board of Trustees – Thursday, June 10, 2021, 5:00 p.m.

Trustee Cavazos said the upcoming meeting would be held in the boardroom and there is a closed session scheduled for 2:30 p.m.

**Board Review of the Clark County School District Board of Trustees' Governance Policy
B/SL-2: Unity of Control (continued)**

Dr. Alsbury reported that the Board agreed to 10 individual revisions to B/SL-2: Unity of Control.

Public Comment on Non-Agenda Items

In-person public comment:

Danielle Ford stated that she was speaking as an individual Trustee, not on behalf of the full Board, as a parent of CCSD students, and as a concerned citizen. She said it came to her attention in February 2021 that Trustee Brooks abused her power during her time as Board President by fraudulently modifying Board policies without the Board's knowledge and at taxpayers' expense. She said she has tried several times to get answers and to have the Board look into the matter and hold Trustee Brooks accountable and said she is now turning it over to the Nevada Commission on Ethics. She provided a copy of the ethics complaint she would be filing against Trustee Brooks.

Adjourn: 12:36 p.m.

Motion: Ford Second: Williams Vote: Unanimous