

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, August 3, 2022

9:07 a.m.

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

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

Also present were: Nicole Malich, 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; Kellie Kowal-Paul, Chief Strategy Officer, Office of the Superintendent; Cindy Krohn, Director, Board Office; Carmen West, Executive Manager/Director II, Office of the Superintendent; and Denise Zagby, Administrative Secretary II, Board Office.

Flag Salute

Trustee Williams led the Pledge of Allegiance.

Adoption of the Agenda

Adopt agenda.

Motion: Garcia Morales Second: Brooks Vote: Unanimous

Public Comment Period on Non-Agenda Items

John Cannell stated he represents Friends for Education, an organization that works to improve schools. He pointed to assessment data for Clark County that shows 25 percent of White students achieved the highest standards in math, but no Black students made that achievement. He asked how parents are notified that their child is functionally illiterate. He said he was unable to find a job description for the Superintendent of Schools on the CCSD website.

Approval of the Minutes

Approval of the minutes from the regular meeting of June 9, 2022, as recommended in Reference 3.01.

Motion to approve.

Motion: Guzmán Second: Cavazos Vote: Unanimous

Approve Plan of Corrective Action – NAC 388G.100(1)

Approval of a Plan of Corrective Action – NAC 388G.100(1) prior to submission to the Nevada Superintendent of Public Instruction for approval of the timeline for compliance under NRS 385.175, as recommended in Reference 3.02.

Mrs. Kowal-Paul presented the draft Plan of Corrective Action related to Nevada Administrative Code (NAC) 388G.100(1), as shown in Reference 3.02.

Trustee Guzmán asked if this would be included in one policy, in one place.

Mrs. Kowal-Paul said the intent is to include this in a comprehensive regulation.

Trustee Ford said she would prefer to hear public comment on this item before the Board's discussion.

Trustee Cepeda said the Board would hear public comment before their vote on this item.

Trustee Cavazos asked if there was any other reference material that was provided.

Ms. Malich said the Board's current policy, GP-11: Public Comment states "...members of the public are allowed to speak on each item after the Board's discussion and prior to its vote." Regarding the reference material on this item, Ms. Malich said she believed some of the attachments included confidential information, so they were not posted as public comment.

Trustee Cavazos said she was referring to the letters from Jhone Ebert, Nevada Department of Education (NDE) Superintendent of Public Instruction, to Trustee Cepeda.

Trustee Cepeda acknowledged the letters were not included as attachments but said they were sent to every Trustee.

Trustee Cavazos stated that in the interest of transparency, she would have preferred to have those items attached since they are mentioned in Reference 3.02.

Trustee Brooks asked if the deficiency of a dispute resolution process was explicit in the previous corrective action plan from NDE.

Approve Plan of Corrective Action – NAC 388G.100(1) (continued)

Mrs. Kowal-Paul said no, it was not. She said when the District received the allegation of retaliation, staff followed the requirements in the NAC although they felt the case did not apply because it was an employee, which the hearing officer agreed with.

Trustee Brooks said the findings are specific to the lack of a process for the disputes and the findings in the claim of retaliation and the other things that triggered that were favorable toward CCSD.

Mrs. Kowal-Paul said that is correct. She said the findings were that the District did not retaliate against the employee and that the NAC did not apply to that case because it was an employee.

Trustee Williams asked what would be the NDE's response time once submitted.

Mrs. Kowal-Paul said the Plan of Corrective Action would be submitted on the Board's behalf to Superintendent Ebert tomorrow if approved by the Board, and staff would proceed as if it were approved by Superintendent Ebert considering the short timeframe they have set.

Trustee Garcia Morales noted that GP-11: Public Comment states "...members of the public are allowed to speak on each item after the Board's discussion and prior to its vote."

Trustee Ford said there is the policy and then there is the Board's practice, and she thinks the Board often changes the process for the outcome they want and to limit public comment in the way that they choose.

Motion to approve the Plan of Corrective Action – NAC 288G.100(1).

Motion: Garcia Morales Second: Williams

Trustee Ford asked once this comes forward as a Notice of Intent, how the Board's role would change in terms of the Board being informed of the details of such incidents and being able to have more oversight.

Superintendent Jara stated employee matters are handled through collective bargaining through a process for discipline matters and are personnel matters, which are confidential.

Trustee Ford asked about members of School Organizational Teams (SOTs) who are not District employees.

Mr. Puschnig said that is why a process through the Plan of Corrective Action is being established.

Trustee Ford asked once this comes back as a Notice of Intent, what the Board's level of involvement would be, whether the Board would be part of the process or just informed of the incident or just informed that the incident was investigated.

Approve Plan of Corrective Action – NAC 388G.100(1) (continued)

Mrs. Kowal-Paul added those details have not been established yet, but the policy is required to include a sufficiently redacted, public report that would be posted on the school's website, which would be available to the Board as well.

Trustee Ford pointed out that the Board does not have any oversight in these matters currently. She stated she wants to communicate to the NDE that the Board does not have that authority or find a way that the Board could be informed of the details and ensure that the process and investigations are fair.

Public Hearing

Ed Gonzalez said this illustrates what people mean when they say the District is not following the law and said this regulation was approved in December 2018, and the District had done nothing to implement a process. He said he has wondered why this had not already happened and whether it is the District not wanting to comply with the law. He said he thinks there is a lack of will.

Anna Binder said she believes during the Board of Trustees Subcommittee for AB 469 meeting, Mark Newburn, Vice President, Nevada State Board of Education, was encouraging the Board to be more visionary rather than reactive. She expressed concern that she was able to get copies of all the documents that were in the draft Plan of Corrective Action and said they must not be confidential. She mentioned other letters that were not included and said for transparency all nonconfidential documents should have been provided to the public.

Lindsay Dalley asked if anyone knew who brought this issue to the NDE. He said Mack W. Lyon Middle School brought it up. He said the draft document before the Board does not resemble what took place at the retaliation hearing and said the Board is being kept in the dark. He said this is a transparency issue and there is a lot the Board does not know and does not understand.

Trustee Ford asked when the next Subcommittee meeting is scheduled.

Trustee Cepeda answered August 17, 2022, at 3:00 p.m.

Trustee Ford said she would assume that public comment regarding concerns about this draft document would be considered during that Subcommittee meeting. She said she shares the same concerns regarding documents that should be made available to the public before the Board votes but said there are timelines that she wants to make sure they meet.

Trustee Guzmán asked if they could consider what Superintendent Ebert sent them to be a "ticket" citing an area in which the state views the District to be out of compliance.

Mrs. Kowal-Paul answered yes.

Trustee Guzmán asked if staff has received any other tickets.

Approve Plan of Corrective Action – NAC 388G.100(1) (continued)

Mrs. Kowal-Paul answered no, they have not.

Trustee Brooks said she appreciates the tickets because she did ask the Nevada State Board of Education to clearly identify what they felt the District was not in compliance of. She said whenever an issue regarding SOTs or the reorganization surfaced, she has always reacted and has requested action. She said when this issue did start to come up, she requested a policy.

Trustee Cavazos said she believes it is important to clarify what is confidential and what is nonconfidential and to have clarification of why something the Trustees are receiving and is being referred to in a document might not be provided as reference material.

Mrs. Kowal-Paul suggested pushing the September 1, 2022, deadline to September 15, 2022, considering the agenda process and the discussion this evening.

Trustee Brooks asked the maker and second of the motion if they would be amenable to amending the motion.

Trustee Garcia Morales amended her motion to approve the Plan of Corrective Action – NAC 288G.100(1) with the adjusted timeline.

Trustee Williams agreed to the friendly amendment to the motion.

Vote on Trustee Garcia Morales's motion was unanimous.

Upcoming Meeting of the Board of Trustees – Thursday, August 11, 2022, 5:00 p.m.

Trustee Cepeda stated the next meeting of the Board of Trustees was scheduled to be held on Thursday, August 11, 2022, at 5:00 p.m.

Public Comment on Non-Agenda Items

Ed Gonzalez stated he did submit some backup information and said he does not believe he provided anything that was confidential. He said there were comments made at the last Subcommittee meeting that the Board had not received a noncompliance notice and that they were following the law, and he said at that time the retaliation hearing had already taken place and legal counsel had already admitted that there was no policy in place and then today stated they were aware this noncompliance was coming. He said this seems to be very misleading to the Subcommittee.

Anna Binder said after attending meetings this past year and listening to the community, she does not feel the District should ever take the stance that retaliation is not happening. She said no matter the outcome or findings of a claim, she thinks they can all agree that certain people have influences that can affect people's lives. She said she has not been able to find SOT meeting minutes and she cannot find budget information in a centralized location for all schools, so when issues arise, you cannot rely on minutes to see what took place at a meeting. She said she agreed with Nevada State Board Member Newburn that SOTs might not be trained properly.

Public Comment on Non-Agenda Items (continued)

Kamilah Bywaters said the hope is that the \$770 million would be used to develop a Black excellence plan. She said she hoped the newly hired staff member at the Academic Support and Community Service Center understands and knows the history of the 89106 community. She stated data in the Nevada Accountability Portal shows there was more than 800 Black students in one subgroup who were not proficient and said with all the funding the District receives, there has not been a conversation about how to support Black students and address the severe, tragic situation they are in with regards to education. She said the perception leadership is giving is that it is too expensive to educate Black students.

Lindsay Dalley spoke about the retaliation hearing that took place and said the conclusion by staff that the dispute resolution process does not apply to employees is a false conclusion. He stated that specific disciplinary action regarding retaliation was denied, not the fact that staff is operating under that employee discipline is not part of that dispute resolution process. He volunteered to be part of solving this issue and developing a real dispute resolution process that does not have CCSD as judge and jury.

Adjourn: 10:06 a.m.

Motion: Guzmán Second: Brooks Vote: Unanimous