

Minutes
Clark County School District
Meeting of the Board of School Trustees

TELECONFERENCE ONLY

Work Session

Wednesday, September 2, 2020

8:03 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

Members Absent

Chris Garvey, Member
Deanna L. Wright, Member

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

Also present were: Mary-Anne Miller, Board Counsel, District Attorney's Office; Eleissa Lavelle, General Counsel, Office of the General Counsel; Dr. Christopher Bernier, Chief of Staff, Office of the Superintendent; Dr. Greg Halopoff, Chief Technology Officer, Technology and Information System Services Division, Operational Services Unit; Joe Caruso, Executive Director, Community Services Department, Office of the Superintendent; John French, Technical Support Manager, User Support Services Department, Operational Services Unit; Troy Eggleston, Coordinator, Telecommunication Services, Operational Services Unit; and Cindy Krohn, Director, Board Office.

Adoption of the Agenda

Adopt agenda.

Motion: Young Second: Cavazos Vote: Unanimous

Public Comment on Agenda Items

None.

Approval of the Minutes

Approval of the minutes of the special meeting of July 6, 2020, and the regular meeting of July 9, 2020, as recommended in Reference 3.01.

Motion to approve Item 3.01.

Motion: Cavazos Second: Cepeda Vote: Unanimous

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment

Discussion and possible action regarding suggestions for future modifications, additions, language changes, and deletions to, GP-11: Public Comment, as requested in Reference 3.02. 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.

Trustee Brooks stated that the governance polices in Items 3.02 through 3.06 were assigned to Trustee Wright, and in her absence the policies would be presented by Mr. Caruso. She said if approved the polices would come forward as Notices of Intent at the September 24, 2020, regular board meeting and for final approval on October 7, 2020.

Mr. Caruso reviewed proposed changes to GP-11: Public Comment highlighted in blue, green, and yellow.

Trustee Young suggested adding "written" to the new language on page 1 of 3 so that it reads "...in a timely, written manner."

Trustee Cavazos said there should be a clear protocol in place for addressing public concerns in the interest of fairness. She said there should not be any inconsistency with which concerns are addressed and which ones are not as previously discussed by the Board.

Trustee Brooks suggested texting or emailing the Superintendent to ask him to address a specific concern or asking him directly after the meeting.

Trustee Ford asked for clarification of the protocol for ensuring public concerns are going to be addressed as is stated in the additional language.

Trustee Brooks explained that during in-person meetings, the Trustees no longer send staff to speak with individuals, but the Superintendent takes it upon himself to send staff to speak with a person regarding their concerns. She said with the virtual meetings now, since she has received the email from the public, she tries to address the concerns. She said she then sends that email to Mr. Caruso who makes a Comcate case for it.

Trustee Ford disagreed with one Board member responding to public comment that was submitted to the Board and with creating a Comcate case, which she said was never an agreed upon procedure.

There was some discussion regarding which concerns could be addressed immediately and how to acknowledge speakers whose concerns cannot be resolved right away.

Trustee Cavazos offered the language, "In order to honor the seriousness of individual or group concerns, the Board may ask the Superintendent via text or email to report back...."

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Trustee Brooks expressed concern with the possibility of making a sensitive topic a matter of public record once the Board member sends an email requesting to be updated on the individual's concern and creating a public record.

Trustee Cavazos said the Board could alert people to that possibility by adding that information to the public comment section of the meeting agendas.

Trustee Young said sometimes certain concerns spill over into other Trustee districts and suggested the language, "...Superintendent to report back to the Board member(s) on the outcome...." She suggested trying this protocol for three to six months.

Trustee Brooks said the Board would be talking about the Board liaison functions later in the meeting and suggested this could be taken care of as a matter of procedure rather than policy.

Trustee Ford agreed with inserting "written" in the language as many people come to the Board meetings and state that they have been speaking on an issue and have yet to get a response, which at this point cannot be verified. She said she was also supportive of adding "group." She was not in agreement with adding that the Board may ask the Superintendent via email to report back, stating that would have the Superintendent receiving emails from seven Trustees during the span of a public comment period.

Mr. Caruso confirmed the changes as, "In order to honor the seriousness of individual or group concerns, the Board may ask the Superintendent via email to report back to the Board members on the outcome of the issue in a timely, written manner."

Board President Relinquishes Chair

Trustee Brooks relinquished the chair at 8:42 a.m.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Trustee Young asked if something could be added to page 2, section 3, for people who do not have internet access or who do use technology. She asked if staff could take a person's comment on the phone and type it up and have that be equivalent to the person sending an email. She suggested developing standard written communication guidelines for the public that would include people who do not communicate via the internet.

Trustee Ford said she has suggested in the past the Board should have clear procedures to support their work. She requested that the Board have a conversation around procedures and templates they could use at the Board's next retreat.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Trustee Young agreed with Trustee Ford's suggestion. She proposed assisting the community with how to use technology.

Board President Resumes Chair

Trustee Brooks resumed the chair at 8:53 a.m.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Trustee Brooks suggested that the technology staff could weigh in on public comment options because there are some technology challenges.

Dr. Halopoff said the technology department has looked at this issue and is prepared to present a potential solution for the Board to consider.

Mr. French and Mr. Eggleston explained the potential call-in procedure for public comment and discussed how that would be implemented as it relates to the virtual meetings.

Trustee Cavazos asked if staff could research other public entities' processes for public input to see if the Board could apply that to their process.

Trustee Young asked if the Board would be able to access the comments later if needed and whether they would be transcribed.

Trustee Brooks said they would be able to access the audio recording.

Trustee Ford supported the recorded call option for public comment for people that do not have internet access. She said there needs to be another option for live comments and suggested recording the comment with the option of sending the comment to the Board or having it played during the meeting. She asked for information on the software used and the cost for having people call in during the meeting as the legislature does.

Trustee Ford offered suggestions such as streaming a separate Google Meet meeting; using Zoom and allowing people to attend in real time; placing a submit button on the website allowing people to submit a one-minute clip; allowing people to submit a video clip via email to be played; and placing an Apple TV in the boardroom and streaming public comments from a computer. She said she wants to make sure all options are explored before purchasing equipment or technology at a high cost. She stated that no matter which process the Board uses, no one should be choosing which public comments get played.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Trustee Cepeda said she supports looking for ways to allow public comment and streamlining the process, but she cautioned against looking for cheap or free solutions. She said oftentimes those solutions do not include services like support and storage.

Trustee Ford said the proposed added sentence in section 6 is broad and asked how the procedure would be altered. She said in the case of an emergency, the Board should know beforehand what the process for public comment would be or the procedure for how it would be changed. She suggested that the procedure for public comment, in the case of a virtual meeting, should be outlined. She asked how the public comment procedure was changed as the Board moved to virtual meetings because of the pandemic and how they would go about changing it back to what was done previously.

Trustee Brooks said she spoke with Ms. Miller about how other entities were addressing the issue of public comment during virtual meetings, and Ms. Miller provided guidance. She said after the first virtual meeting, she spoke with Trustee Cavazos and they decided to continue with the procedure moving forward given the technology issues, and she has also spoke with technology staff on several occasions regarding the limitations. She said this is unprecedented in terms of having to shift to virtual meetings.

Ms. Miller added that the governor issued a directive at that time stating that boards could meet solely virtually and have alternate procedures for public comment, so this procedure was in response to the governor's emergency directive.

Trustee Cavazos said she would be in favor of doing what the other municipalities and the county commission are doing, but the intent here is to hear the public's voice.

Trustee Brooks asked if any Trustees would like to take ownership of this issue and try to find a solution.

Trustee Cavazos and Trustee Ford agreed to take on the issue.

Trustee Cepeda added that whatever technology or software they choose to use, it should be vetted to be secure.

Trustee Cavazos suggested removing "...county or statewide..." as noted by Ms. Miller and adding, "...with proper notice to the Board attempted."

Mr. Caruso confirmed that the sentence would read, "Additionally, this procedure could be altered during emergencies with proper notice to the Board."

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Regarding the paragraph for deletion on page 3, Trustee Young said she wants to make sure people are aware that the Trustees may host these community meetings so people can see them in the community as advocates.

Trustee Cavazos asked where information about the community meetings can be found.

Mr. Caruso said the information is listed in policy B/SL-3: Accountability to the Superintendent, section 1B.

Trustee Ford stated the webpage which is linked in this paragraph is outdated and has incorrect information. She said she would like to be able to access the back end of the District website so she could update the Trustee pages.

Ms. Miller said it is not prohibited legally but she was unsure if it would interfere with the District's web security policies.

Trustee Ford asked for confirmation that it would not interfere with District policy and a username and password so she could then update the webpage.

Trustee Brooks asked that Mrs. Krohn make a note to look at the District's web security policies and if it is not possible for Trustee Ford to update her information, to let her know how that could be done.

Trustee Cepeda said she would agree to deleting the paragraph as the information is listed in another policy. She expressed concern with a Trustee having access to the website for security reasons. She asked what the security policy is, who is vetting the security processes, and whose responsibility is it to update the information on the webpage.

Trustee Young said she believes the paragraph should remain because having the information in more than one location in policy is helpful.

Trustee Brooks agreed with comments made by Trustee Young and said she would support leaving the paragraph here.

Trustee Ford agreed with leaving the paragraph in and suggested removing "monthly" and adding, "Additional information can be found at B/SL-3: Accountability to the Superintendent" with a hyperlink to that location.

Trustee Brooks agreed with Trustee Ford's suggestions but said she would prefer not to include a link.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-11: Public Comment (continued)

Mr. Caruso confirmed that the paragraph would remain with “monthly” being removed.

There was no action taken on this item.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-12: Types of Meetings

Discussion and possible action regarding suggestions for future modifications, additions, language changes, and deletions to, GP-12: Types of Meetings, as requested in Reference 3.03. 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.

Mr. Caruso reviewed proposed changes to GP-12: Types of Meetings.

Trustee Young pointed out that there are exceptions to the regular Board meeting schedule, such as during the holiday season in December and during graduations in June, and the Work Sessions have been canceled on occasion. She asked that language be added to reflect that.

Trustee Brooks said it would be helpful to add a sentence of where to find the actual Board meeting schedule.

Mr. Caruso suggested adding the sentence, “Exceptions may occur to allow Trustees to participate in Districtwide events. Please visit ccsd.net/Trustees... for additional information.”

Trustee Ford said she originally had proposed language pertaining to rules for special meetings to add to Appendix – A Guide to Rules of Order for Small Boards, Reference 3.07, page 3 of 3, but proposed adding that language here in GP-12: Types of Meetings.

Trustee Ford stated that the District rules for when reference material must be provided should also apply to the Board.

Trustee Young spoke in support of the addition of the language proposed by Trustee Ford.

The Board agreed to discuss Item 3.07 with Item 3.03 at this time.

Board Review of the Clark County School District Board of Trustees' Governance Policy Appendix - A Guide to Rules of Order for Small Boards

Discussion and possible action regarding suggestions for future modifications, additions, language changes, and deletions to, Appendix - A Guide to Rules of Order for Small Boards, as requested in Reference 3.07. 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.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-12: Types of Meetings (continued)

Trustee Ford suggested adding language to Appendix – A Guide to Rules of Order for Small Boards that states there are special rules for special meetings that do not follow the exact order under GP-12: Types of Meetings.

Trustee Young suggested that the Trustees who convene the special meeting should have access to separate legal counsel's opinion and guidance.

Trustee Ford suggested adding to the statement in the Appendix that the Trustees convening the meeting may request to access a separate third-party attorney as is their right per Nevada Revised Statute (NRS).

Trustee Brooks said the third-party attorney should be approved as an attorney that the Board agrees to receive counsel from.

Trustee Cepeda spoke in support of the proposed additional language in number 3, Reference 3.03. She said the proposed language for Rules for Special Meetings is very specific and she was considering how future boards would use these guidelines without having background information.

Trustee Cavazos spoke in favor of the additional language proposed by Trustee Ford and the suggestion of having separate legal counsel as stated by Trustee Young. She said she had no objection to the additional language in number 3, Reference 3.03. She said the Board needs to be forward-thinking and think beyond what occurred at the July 29, 2020, special meeting.

Trustee Brooks said if the Board president is attending the meeting, the president needs to chair the meeting since the president is alerted to things such as ethics violations.

There was discussion about what took place leading up to and at the July 29, 2020, special meeting and why these changes are necessary moving forward.

Trustee Ford suggested keeping the first statement under Rules for Special Meetings, Reference 3.07, page 3 of 3, where it is and moving the second paragraph to GP-12: Types of Meetings with the additional language that states the Board may seek outside counsel per NRS with reference to the statute that allows the Board to hire a third-party attorney.

Trustee Cepeda said she does not think the language proposed by Trustee Ford, in its current format, is sufficient and suggested it needs to be broken down further. She said she was not opposed to having the third-party attorney.

Trustee Brooks stated the main motions is a standard based on Robert's Rules of Order and is used by other boards. She said she is not willing to shift away from standardized rules.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-12: Types of Meetings (continued)

Trustee Cavazos suggested adding language to say “if needed” another attorney could be consulted. She also suggested that if all the other rules being implemented are followed, it should not be a problem for the president of the Board to chair the meeting. She also agreed with Trustee Cepeda’s suggestion of reformatting the paragraph and having the rules listed out.

Trustee Young disagreed with Trustee Cavazos’ suggestion of adding “if needed” for the use of a third-party attorney for special meetings. She also disagreed with the Board president having to chair the special meeting in its entirety. She said the chair should be turned over to one of the three Trustees that convened the special meeting.

Trustee Ford suggested adding, “If desired a third-party attorney may be consulted. The Trustees who called the special meeting may submit special rules of order, which the Board’s attorney shall circulate at least three days prior to the meeting.” She said she was amenable to the Board president chairing the meeting; however, the other rules must be implemented.

Trustee Brooks said she was still unsure about how this would be implemented and would prefer that this be brought back in a more coherent structure.

Trustee Cavazos spoke in favor of the language and modifications proposed by Trustee Ford and said she was in favor of this addition.

Trustee Brooks clarified that she would prefer that the policy come back to the Board fully crafted so they can review it in the same manner they are reviewing other policies.

Trustee Young spoke in support of what Trustee Ford has brought forward. She suggested using the word “option” regarding the use of a third-party attorney. She expressed concern with the president being the only Trustee who could chair the special meeting and suggested that be optional, as well.

Trustee Cepeda said this still appears to her to be a very specific item brought forth because of a specific event. She said she feels that this still needs more work and additional formatting.

Trustee Ford agreed to Trustee Young’s suggestion of including “optional” regarding the use of a third-party attorney. She said staff would be able to modify the addition based on the discussion and when this is brought back as a Notice of Intent, they can discuss any necessary modifications at that time.

Trustee Cepeda questioned the funding source for the third-party attorney and whether the additional counsel would reflect the views of the three Trustees that called for the special meeting.

Board Review of the Clark County School District Board of Trustees' Governance Policy GP-12: Types of Meetings (continued)

Trustee Cavazos said she would envision that someone objective would select the third-party attorney. She asked if there was anything else Trustee Brooks and Trustee Cepeda needed further clarification on.

Trustee Brooks said she needs the policy with revisions brought forth so she can review it with the proposed changes.

Trustee Ford agreed with including the suggestions made regarding the third-party attorney but said the details should be hashed out in a separate conversation. She suggested that the Board hear the rest of the items and by the end of the meeting, she could have this information outlined in a manner for everyone to review.

The Board agreed to rearrange the remaining agenda items and possibly table the remaining policy review items until a later time, as Trustee Brooks and Trustee Cepeda needed to leave the meeting at a certain time.

There was no action taken on this item.

Approve Request for Qualification – Balanced Governance™ Training and School Board Leadership Training

Approval regarding the selection of a successful respondent to the Request for Qualification for Balanced Governance™ Training and School Board Leadership Training.

Mr. Caruso reviewed the Request for Qualification (RFQ) process, including responses, for the selection of a consultant to provide Balanced Governance™ Training and School Board Leadership Training.

Trustee Ford spoke in support of moving forward with Dr. Thomas Alsbury, Balanced Governance Solutions™.

There was very brief discussion regarding the Board's budget for professional training and cost savings in travel during this time.

Motion to approve Thomas Alsbury, Balanced Governance Solutions™, to provide Balance Governance™ Training and School Leadership Training.

Motion: Ford Second: Young Vote: Unanimous

Liaison to the Board of Trustees

Discussion regarding the functions of the Liaison to the Board of Trustees.

There was discussion regarding support to the Board to be provided by Mr. Caruso as outlined in Reference 4.01.

Board Member Leaves

Trustee Cepeda left the Board meeting at 12:16 p.m.

Liaison to the Board of Trustees (continued)

The Board continued discussing the role of the Liaison to the Board and how Mr. Caruso provides support to the Board.

Superintendent Jara said with the Board's support of this item, this can be implemented immediately.

Superintendent Communication

None.

Trustee Requests for Agenda Items or Information

Trustee Ford requested information for the past five years for all budget coding and budget accounts for the Office of the Superintendent, the Office of the Board of Trustees, and the Office of Government Relations. She requested job descriptions for all positions within all three units over the past five years, including changes to the organizational chart.

Superintendent Jara said staff has three years of data at this time, and he would examine how labor intensive it would be to gather the other data.

Trustee Ford requested that the information for the past three years be provided now and the past five years possibly at a later time.

Trustee Ford stated when the state legislative platform was brought to the Board in March, the title was "Board of School Trustees 2021 State Legislative Platform," and when the updated version was brought to the Board in July, the title had been changed to "Clark County School District 2021 State Legislative Platform." She asked if the title could be changed back to what it was in March.

Superintendent Jara agreed to have the title changed.

Trustee Young talked about the lack of communication connected with a recent meeting at Las Vegas Academy, and she said she should have been alerted to what was taking place. She asked to meet with Superintendent Jara, Trustee Brooks, Mr. Caruso, and Mrs. Krohn regarding this matter.

Trustee Young said CCSD Policy 7223 was removed from the September 10, 2020, agenda and she requested that it be placed back on the agenda for discussion.

Trustee Brooks said she would follow up with Trustee Young regarding her request.

Public Comment on Non-Agenda Items

Mrs. Krohn summarized public comments submitted to the Board as follows:

A writer asked that the schools be opened.

A vender wrote in explaining cleaning products that they sell.

A former student and parent wrote about their experience while attending CCSD and asked that the District go back to what it was before and asked for a change.

A writer suggested that parents pay for cubicles and plexiglass when students return to the schools.

A writer expressed concern about the attendance policy, especially for students with disabilities.

A person thanked the Board for keeping her kids, family, and community safe by choosing distance learning.

A parent said that distance learning is challenging and asked what the schools and the Board are going to do to get the children back in the buildings.

Ms. Krohn said all comments can be read on BoardDocs® in their entirety.

The remainder of the agenda items were not heard.

Adjourn: 12:50 p.m.

Motion: Cavazos Second: Ford Vote: Unanimous

Trustee Cepeda was not present for the vote.