

MINUTES – AS PRESENTED 10/16/18
CLARK COUNTY SCHOOL DISTRICT
BOARD OF SCHOOL TRUSTEES
ATTENDANCE ZONE ADVISORY COMMISSION
EDWARD A. GREER EDUCATION CENTER, BOARD ROOM
2832 E. FLAMINGO ROAD, LAS VEGAS, NV 89121

September 11, 2018

9:32 a.m.

Roll Call: Members Present

Albert Delgado
Nicole Benson (left at 11:22 a.m.)
Dave Flatt
David Gomez (arrived 10:05 a.m., left at 11:38 a.m.)
Angela Haldeman
Justin Hepworth
Diane Kinsel
Shari Lyman
Lois Mack
Mike Malone
Becky Nielson (arrived at 9:37 a.m.)
Matthew Tramp

Members Absent

Mallory Levins
Rachel Wren

Rick Baldwin, Director II
Tracy Murphy, Coordinator IV
Steve Burda, GIS Coordinator III
Sheri Garbiso, Senior GIS Analyst

Ray Negrete, Transportation Coordinator IV

FLAG SALUTE

ADOPTION OF AGENDA

Adoption of the agenda for September 11, 2018.

Motion: Matthew Tramp Second: Shari Lyman Vote: Unanimous
David Gomez, Mallory Levins, Becky Nielson, and Rachel Wren were not present to vote.

PUBLIC COMMENT PERIOD

None.

APPROVAL OF THE MINUTES

Approval of the minutes for August 28, 2018.

Motion: Mike Malone

Second: Nicole Benson

Vote: Unanimous

David Gomez, Mallory Levins, Becky Nielson, and Rachel Wren were not present to vote.

REPORTS

Rick Baldwin welcomed Dave Flatt and Diane Kinsel back to AZAC. He stated Superintendent Jesus F. Jara, appointed Mr. Flatt as his AZAC representative and Trustee Linda Cavazos appointed Ms. Kinsel as her second AZAC representative.

REVIEW OF REGULATION 7124 FOR POSSIBLE REVISIONS

Rick Baldwin stated that Regulation 7124 is out of AZAC purview; however, it does relate to AZAC work.

Albert Delgado read the first paragraph of Section I. Mr. Delgado stated the second sentence needed to be changed from *design* capacity to *program* capacity as it has been discussed and recommended to be changed in Regulation 7111.

Justin Hepworth expressed his concerns with taking out design capacity. He recommended keeping design capacity and adding program capacity.

Tracy Murphy stated referencing design capacity could be misleading since it does not reflect current classroom use.

Rick Baldwin explained the difference between design capacity and program capacity and how classroom use affects program capacity.

Angela Haldeman suggested consistency: if it is changed in the AZAC's Bylaws and Regulation 7111 then it should be changed in Regulation 7124. Ms. Haldeman asked if design capacity is being added to Regulation 7124, should it not be added in other documents as well. Ms. Haldeman stated she does not think design capacity needs to be defined, only program capacity.

Tracy Murphy informed the commission that the definition of the program capacity could be found in the AZAC book, Section 7, in the Elementary Capacity Study report.

Ray Negrete gave an example of how the CCSD Transportation Department looks at bus capacity. He stated buses are bought on design capacity, but based on program needs the seat capacity of the bus can change.

Justin Hepworth recommended leaving it as is since Regulation 7124 deals with calendar conversion and both design and program capacity must be considered. Mr. Hepworth indicated these changes may need to be made elsewhere as well.

Albert Delgado read Regulation 7124 Section 1 A and requested an example.

Rick Baldwin recommended Section 1 A – B having the reference to design capacity be changed to program capacity. Mr. Baldwin stated the count day enrollment for the present school year and the projected enrollment for the subsequent school year are less than or equal to 125 percent of its program capacity.

Justin Hepworth asked if both design and program capacity need to be considered.

Albert Delgado asked if there would be a situation where design capacity would be part of the discussion.

Rick Baldwin stated schools with 1 and 2 star ratings have different student teacher ratios than higher star rating schools. Mr. Baldwin stated when star ratings are released the program capacities change. Mr. Baldwin disagreed with Mr. Hepworth's recommendation that both design and program capacity need to be considered, and indicated that staff must apply the regulation; doing so using both design and program capacity would not have the desired effect.

Albert Delgado asked if design capacity is obsolete.

Rick Baldwin responded yes, once the school is built and education program changes are made design capacity is irrelevant and program capacity takes over the analysis.

Mike Malone stated one capacity is needed since classroom seats are not flexible.

Justin Hepworth stated program capacity needs a better definition.

Tracy Murphy stated the cover sheet of the Elementary School Capacity Study provides a definition of student teacher ratios. Ms. Murphy stated star ratings changed mid-year last school year so the program capacity changed mid-year.

Albert Delgado asked which number is used for calendar conversion: design or program capacity.

Justin Hepworth answered both.

Angela Haldeman stated design capacity comes into play for new schools and not existing and only one number, design or program capacity should be considered because AZAC needs to know what the school is doing, not its potential.

Rick Baldwin stated program capacity has been used in the past even though regulation states design capacity.

Justin Hepworth asked if using program capacity needed to be better defined and should state the number of classrooms.

Albert Delgado stated he would like to leave both but with a better definition.

Rick Baldwin asked the commission if the definition of program capacity in the Elementary School Capacity Study report would satisfy their definition requirements. Mr. Baldwin indicated program capacity will be updated in a few weeks and the number of classrooms is intrinsic in program capacity. Pullouts and special programs were defined.

Justin Hepworth stated this would partially help the incomplete program capacity definition in the third paragraph of Section 1 but it is ambiguous.

Angela Haldeman stated a suitable definition should be found.

Albert Delgado continued to read each section of Regulation 7124. The commission continued reviewing Regulation 7124 and gave their input and possible changes.

David Gomez questioned Section II B: he wanted to know if the number should change from 43 to 42, where it states fewer than 43. Mr. Gomez stated should just be 42.

Both Albert Delgado and Justin Hepworth explained why it had to state 43 and not 42.

David Gomez stated I read a lot of legal paperwork all day long and these loop holes make a lot of problems.

Justin Hepworth stated he does not like the need for more than eight portable classrooms and recommended deleting the number of portables but mention the need for portable classrooms.

Becky Nielson agreed with Mr. Hepworth. Ms. Nielson stated the regulation, as written, could imply that a school may not be considered for a zone change until they have portables

REVIEW OF PREVIOUSLY DISCUSSED REVISIONS TO AZAC BYLAWS AND REGULATION 7111
Albert Delgado opened discussion to review AZAC Bylaws and Regulation 7111. Mr. Delgado asked for comments from staff and the commission.

Justin Hepworth stated he still did not like the wording of Regulation 7111, Section I, Subsections D 1 and E. Mr. Hepworth gave a few suggestions.

Becky Nielson stated she agreed with Mr. Hepworth.

Rick Baldwin stated this regulation outlines AZAC's requirements and briefs the public of how rezoning takes place. Mr. Baldwin clarified Subsection E and made some suggestions.

Justin Hepworth suggested changing Section I, Subsection E to D 2 and adding D 3: The Board of School Trustees will vote on recommendations no later than the first week of March.

Matthew Tramp requested a change to AZAC Bylaws, Article V to be titled *Attendance Policy* which is stated on the minutes of August 14th meeting and Absences should be crossed out. Mr. Tramp stated he wanted to add a statement to Article V, "if amenities are accessible" to the end of the second sentence.

Albert Delgado asked for clarification of the commission's intent on AZAC Bylaws on the last sentence of Article IV.

After discussion, the commission determined the last sentence of Article IV will read, "In the event of absence of both chair and vice chair the meeting will be moderated by a member of the commission appointed by the chair and/or vice chair."

Shari Lyman stated she likes that phone conferences allow members to participate if there is a medical issue.

Rick Baldwin reminded the commission the system is limited to the number of members who can call in. Mr. Baldwin cautioned the commission of how the public would react if all commissioners called in.

David Gomez stated he would like the reference deleted in Article V regarding the copies sent to the commission stating discipline is up to the trustee so he is unsure why the commission receives a copy. Mr. Gomez stated he is not sure it is their business.

Becky Nielson stated it is the commission's business: commissioners need to know the notices are going out and the trustee is aware, as members put their time in and appreciate this information.

David Gomez questioned if the offender name can be redacted stating there are laws and CCSD regulations that limit shareable info.

Justin Hepworth stated he understands Mr. Gomez's privacy concerns; however, attendance at AZAC meetings are a matter of public record and the letters would not state the private reason for the absences.

David Gomez stated when a trustee is absent it goes into their record so questions can be asked.

Angela Haldeman stated the letter does not list why the member is absent and the conversation between the person and their trustee is not shared. The letter does advise the commission that it is being handled.

David Gomez agreed the information should be given but complains that it is not sent via encrypted email system. Mr. Gomez said if email is hacked the information can be accessed.

Justin Hepworth stated there are no privacy concerns. The letter states you have not attended, which is a matter of public record. Privacy is on the response of the recipient and they cannot respond to the entire group to maintain privacy.

Angela Haldeman reminded the commission that a reply all would be a violation of the Open Meeting Law.

Albert Delgado stated if a member is unable to attend a meeting(s) there needs to be an extenuating circumstance.

Matthew Tramp reminded the commission that Rachel Wren had requested the wording “unforeseen circumstances beyond their control.”

Dave Flatt stated during a vote with telephone participation the chair asks for the vote from the person on the telephone.

Lois Mack expressed having an issue with absence notification being needed in writing as there may not be time to do that the night before or if ill.

Becky Nielson agrees and stated she would like to see the Board’s policy.

David Gomez stated even if you find something in the writing of a trustee’s guidelines even then at times trustees are heading forward the meeting they are allowed to get on the over speaker based on the situation that is happening at that moment. Mr. Gomez stated so if they need a quorum it does not matter they don’t need to write anything they just say hey I need to be placed on cue so that I can make a vote on this action item so there is never nothing in writing so they just do it as they do it, determining by the chair obviously.

Justin Hepworth reminded the commission that during telephonic participation the person will miss some of the presentation such as maps shown on the screen and the person could request a delay in vote, rather than telephone participation. Mr. Hepworth expressed his concerns that too many members will not attend the meeting and just call in.

David Gomez stated this is the same thing I brought up but they the commission decided that they can make the decision with or without; this was the first day of the meeting when we had these conversations and they said no we should be able to decide on your zoning area with or without you and that was exactly my point as well but telephonic I mean I see no problem. I have participated telephonically and I can open my book up if I have it. I can see also that if we are looking at certain areas or agendas or areas of concern we can participate but even then I don’t see a problem with telephonic telephone conversations I guess it would be up to the chair to determine whether they need that person to complete quorum.

Albert Delgado stated there is usually communication between an AZAC member and staff, which can request a delay in time or date but the commission members should not be limited in proceeding.

Justin Hepworth stated the commission members should be allowed to request the commission to delay their vote based on extenuating circumstances.

Rick Baldwin stated Article IX Quorum, implies members must be present to vote and therefore telephone participation cannot vote.

Becky Nielson wants to keep the telephone participation option. Ms. Nielson stated she feels it has been helpful in the past and not abused. Ms. Nielson stated listening to the meeting live over the telephone is much different from reading the meeting’s minutes.

David Gomez agreed with Mrs. Nielson. Mr. Gomez stated he was dragged into legislation and picked to attend legislation last year over AZAC meeting but it was helpful to be able to vote via telephone participation.

Matthew Tramp stated if telephone participation is allowed it needs to be in writing since it states they may request telephone participation it implies it may not be approved.

Angela Haldeman stated Article IX implies members are required to be present to vote. Ms. Haldeman feels they should not be able to vote if calling in; this would not allow abuse of the telephone participation provision.

Albert Delgado stated when roll call is taken the member on the telephone states she/he is present so that member is counted as present and can therefore vote.

Justin Hepworth stated a commission member may request that the chairperson allow participation via telephone.

Albert Delgado and Matthew Tramp both indicated they approve of Mr. Hepworth's suggestion.

Angela Haldeman asked if calling in is considered present, should it not be in writing.

Rick Baldwin stated the Board of School Trustees can call in and vote while on the telephone. Mr. Baldwin stated he would look for their attendance policy.

Albert Delgado stated the first sentence of the first paragraph in Section A of the AZAC Bylaws Appendix "B", Member Duties, should change from *September* to *each school year*.

Rick Baldwin asked for clarification on Member Duties Section D Item 6: quantify "recent past."

Becky Nielson stated her preference for *recent zone changes over previous zone changes*.

Angela Haldeman stated it should be quantified and likes three years, the length of middle school.

Justin Hepworth stated his preference for *recent zone change* and leave it ambiguous.

Lois Mack agreed with *recent zone change* as some may not have had a zone change in three years.

Albert Delgado confirmed all are in agreement with change to *recent zone change*.

Rick Baldwin expressed his concern with Regulation 7111 striking Section II, Items L and M regarding new high schools opening without a 12th grade and rezoning existing 12th graders. Mr. Baldwin asked the commission why they wanted to take it out.

Justin Hepworth stated it could be removed since this is an existing policy and not part of the zone changes.

Becky Nielson agreed with Mr. Baldwin that the wording needed to remain, and possibly be combined, so the public knows new high schools do not open with a 12th grade.

Justin Hepworth agreed that it should be left in to notify parents, but should not be part of the new L since that is referencing phasing.

Rick Baldwin stated staff will take this back and write up the changes and return for vote on intended recommendations at another meeting.

CALENDAR, DATES, AND TIMES

The next AZAC meeting will be held on October 16, 2018.

PUBLIC COMMENT PERIOD

None.

ADJOURNMENT

Meeting adjourned at 12:18 p.m.

Motion: Dave Flatt

Second: Shari Lyman

Vote: Unanimous

Nicole Benson, David Gomez, Mallory Levins, and Rachel Wren were not present to vote.