

Minutes
Clark County School District
Meeting of the Board of School Trustees
Clark County Government Center, Commission Chambers
500 South Grand Central Parkway, Las Vegas, NV 89155

Work Session

Wednesday, September 1, 2021

1:12 p.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

Member Absent

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; Elizabeth Carrero, Executive Manager/Director II, Office of the Superintendent; Cindy Krohn, Director, Board Office; and Stephanie Gatlin, Transcriber/Recording Secretary, Board Office.

Flag Salute

The Trustees led the Pledge of Allegiance.

Adoption of the Agenda

Adopt agenda, except delete Item 3.05 and note additional reference material provided for Item 3.02.

*Motion: Cepeda Second: Garcia Morales Vote: Unanimous
Trustee Ford was not present for the vote.*

Public Comment Period on Non-Agenda Items

Laura Marquardt said the Board has the power to stop the mask mandates and the vaccines and asked what the Board's legacy will be.

Meja Hammons described how much teaching means to her and said a vaccine mandate will take away her ability to teach.

Public Comment Period on Non-Agenda Items (continued)

Anna Binder expressed concerns that her son's education could be interrupted again. She asked that the Board ensure that the special education students in the District do not miss another day of instruction or services.

Norma Scurlock said she waited five hours to speak at a previous meeting and said it is not fair to move public comment for non-agenda items to the end of the meeting. She said they are going to vote the Board members out when it is time.

Kelli Reynolds stated that wearing masks should be an individual family choice. She said with the mask mandate, teachers are forced to become mask police and it also affects children's ability to focus.

John Carlo talked about when he was attacked outside during a previous meeting and said he was tired of being humiliated. He asked for principals' bullying reports, and he asked for more transparency when there is a change in meeting protocol.

Board Member Arrives

Trustee Ford arrived at the Board meeting at 1:19 p.m.

Public Comment Period on Non-Agenda Items (continued)

Emily Palmer said the Board and Superintendent have broken Nevada Open Meeting Law (OML). She encouraged everyone to file a formal complaint. She said moving public comment to the end of the meeting is not right.

Donald Baum discussed the athletics and activities consent waiver and release agreement that was sent home with his son and commented specifically on the final paragraph and said to cause something to happen with negligence is wrong.

Susan Proffitt said she is going to make it her priority to replace every Board member. She spoke in opposition to the COVID-19 vaccine. She stated that the Board will be sued and held accountable.

Christine Foresta said she had to pull her children from the District and that the District failed not only her children but is failing all students. She said the Board will be held accountable. She stated the Board is failing the teachers by asking them to be vaccinated.

Approval of the Minutes

Approval of the minutes from the work session of July 7, 2021, as recommended.

Motion to approve.

Motion: Guzmán Second: Garcia Morales Vote: Unanimous

Approve Audit Advisory Committee Appointment

Approval to appoint one member to the Audit Advisory Committee for a term of two-years, beginning September 2, 2021, through June 30, 2023, as recommended in Reference 3.02.

Motion to appoint Anna Binder to the Audit Advisory Committee.

Motion: Guzmán Second: Ford

Trustee Brooks stated the process for appointing a member to the Audit Advisory Committee had not been done in this manner in the past. She asked if the position description was shared with the Trustees.

Trustee Cavazos answered yes, it was sent to the Trustees.

Trustee Brooks said she does not recall receiving information about the structure of the committee and there was no briefing about a change in how committee members would be selected.

Mrs. Krohn said the application was sent out with the committee bylaws, which include the qualifications.

Trustee Brooks stated that in the past the agenda item had the name of the committee member candidate and was submitted for approval. She suggested that in the future the Board be provided with a breakdown of the structure of the committee.

Vote on Trustee Guzmán's motion was unanimous.

Ms. Binder thanked the Board for appointing her to the Audit Advisory Committee.

Approve Work Sessions of the Board of School Trustees

Approval on the time future work sessions of the Board of School Trustees are held.

Trustees discussed their preferences for the time work sessions are to be held in the future.

Trustee Cepeda said she wanted to be respectful of staff time and make sure the time change would not place an undue burden on staff.

Superintendent Jara said staff is flexible and would modify their work schedule.

Trustee Brooks stated that when the Board has an extensive training, those should begin in the morning.

Motion to have the Board officers discuss start times of Board work sessions at a future Officers Meeting.

Motion: Guzmán Second: Brooks Vote: Unanimous

Approve Board Training

Approval on Board of School Trustee expectations and training needs for policies GP-4.1: Board Members' Conduct and Ethics and GP-4.2: Board Members' Principles of Operation.

Public Hearing

Donald Baum mentioned Health Insurance Portability and Accountability Act (HIPAA) and personal identifiable information (PII) training and said the Board should be aware of penalties involved in accessing that information.

Kenneth Paul talked about some of the training assistant principals receive to become principals and about GP-4.2: Board Members' Principles of Operation, and he cautioned the Board to avoid one-size-fits-all.

Trustee Garcia Morales requested that a training calendar be developed for the Board to help members focus on teambuilding, cohesion, communication, and policy implementation.

Trustees discussed possible additional trainings through Nevada Association of School Boards (NASB) in addition to the trainings that help the Board meet Nevada Revised Statutes (NRS) requirements and trainings through community organizations; teambuilding or leadership training that would address working through differences and addressing issues in a more positive manner; training in fiduciary duties, federal responsibilities and the oath taken, logical fallacies, cognitive biases, personality types and strengths and weaknesses, and tactical skills; and possible implicit bias training and diversity and anti-racism training.

Trustee Brooks suggested that Board officers discuss this in an Officers Meeting and bring information back to the full Board.

Trustee Ford said if there are specific areas that need to be addressed, she would like to be made aware of that. She disclosed that she had to have a meeting with a Board officer regarding concerns about her behavior but was not certain that it was resolved, and she invited anyone to comment on that right now.

Trustee Cavazos noted that anything under GP-4.2: Board Members' Principles of Operation is confidential. She said what Trustee Ford disclosed was her choice.

Trustee Ford stated that the meeting that was held was not because she was being disciplined but that there was an email communication between Trustees regarding her behavior on social media and an interview she did but because of the number of Trustees that were included in the email, other Trustees could not discuss it.

Approve Board Training (continued)

Trustee Ford asked if they could speak to Dr. Thomas Alsbury, Balanced Governance Solutions, regarding whether these two policies, as they are currently written, are to remain and his stance on progressive discipline as it is written in Board policy.

Trustee Cavazos said she will look into that.

Trustee Garcia Morales clarified that the item she has brought forward has to do with policy implementation and not the actual policies.

Motion to move this discussion of Trustee training on policy implementation needs and calendar to an Officers Meeting.

Motion: Garcia Morales Second: Guzmán Vote: Unanimous

Public Hearing

Emily Palmer spoke to the behavior of some Board members on social media and said it is very unprofessional. She said Board trainings are not effective and the Board is wasting the public's time.

Public Comment at Board Meetings

Discussion and possible action regarding further changes in public comment policy for Board of School Trustees meetings.

This item was deleted during Adoption of the Agenda.

Public Hearing

Stephanie Kinsley said the founding of this country began with people having discussions and the Board's role is to protect people's rights.

John Carlo referenced NRS 241.021, NRS 241.010, NRS 241.016, and "constitutional authority." He said Ms. Miller and the Board President may be in violation of the law.

Brandon Burns said segregation between the masked and unmasked, vaccinated and unvaccinated is wrong. He spoke about rights and freedoms and said people should have the choice to do what they want.

Amy Keller read from the Court of Appeals ruling cited in the OML manual, and she spoke about the freedom to act and freedom of information for the public. She implored the Board to not make changes that will limit information or the exchange between the public and the Board.

Bonnie Taylor said their voices have been silenced by the media and government entities but said people have the freedom to speak. She said being uncomfortable with some of the public speaking is not a reason to silence anyone's voice.

Public Comment at Board Meetings (continued)

Donald Baum cited New York Times Company v. Sullivan and said per the Supreme Court, the Board members can be criticized individually no matter what rules the Board has established.

Kenneth Paul expressed concern that the oversight the Board has sometimes seems to limit the Board in being able to make judgements on operational and other issues. He said there needs to be a balance in power.

Approve Scheduling of the 2021 Formative Evaluation of the Superintendent of Schools
Approval on scheduling the 2021 Formative Evaluation for the CCSD Superintendent of Schools.

Trustee Ford said the last formative, mid-year evaluation was held on June 18, 2020. She suggested scheduling this formative assessment for some time in September 2021, as it is stated in policy that two evaluations should take place annually with the formative mid-year and the summative in December.

Ms. Miller said there is an issue in that the Board did not give the Superintendent goals in February as required by policy.

There was discussion around how the Board would like to move forward in evaluating the Superintendent.

Trustee Ford suggested evaluating the Superintendent as they had previously, referencing the final rating document done on December 15, 2020, and considering the expectations and ratings for that evaluation.

Ms. Miller suggested the Board could proceed with that as an interim, informal evaluation of the Superintendent.

Trustee Brooks said the best use of the Board's time would be to begin preparing to be able to properly evaluate the Superintendent's performance. She said she does think an interim evaluation would be beneficial.

Superintendent Jara said he expressed concern when he saw this item on Monday because of the February deadline and having not received any goals and his contract. He said he would reserve the right to speak with his attorney regarding this matter going forward.

Trustee Guzmán said based on policy, the Board needs to agree on a metric to evaluation the Superintendent. She said she does not know that an informal evaluation would have as much input as a formal evaluation.

**Approve Scheduling of the 2021 Formative Evaluation of the Superintendent of Schools
(continued)**

Motion to schedule the formative evaluation of the Superintendent for September 27, 2021, at 5:00 p.m.

Motion: Ford Second: Guzmán

Trustee Garcia Morales said she is not in favor of moving forward in this manner and said she would like to Board to work as a unit to develop goals and a timeframe and a process with more intention.

Trustee Cepeda asked if the motion was for a formative, informal evaluation and what the parameters would be.

Ms. Miller said she does not see how it could be a formal evaluation without goals or metrics and said perhaps the Board may decide to use this time to develop metrics for the evaluation in December.

Trustee Brooks suggested that it might be helpful for the Board officers to have a discussion like that with Dr. Alsbury in attendance so he could provide some professional guidance.

There was further discussion regarding the evaluation process and what has taken place up to now.

Trustee Ford restated her motion to schedule an informal, mid-year evaluation to be held Monday, September 27, 2021, at 5:00 p.m. and that it will follow the Strategic Plan as closely as possible using the same protocol and rubric that was used last year and that Ms. Miller take the lead.

Trustee Ford asked if Ms. Miller suggests the Board move forward with this and if the Board faces any type of liability if they fail to evaluate the Superintendent mid-year or fail to plan properly for the end-of-year evaluation.

Ms. Miller said the Board does not subject itself to any liability if they do not evaluate the Superintendent at this time. She said anything more specific on contract matters she would prefer to discuss in a closed session.

Trustee Cavazos asked for the timeframe in which Trustees were holding closed sessions regarding the extension of the Superintendent's contract.

Trustee Ford said the timeframe was January 6, 2021, through April 19, 2021.

Trustee Cepeda said she would be in support of having a meeting in September where the Trustees could focus solely on the evaluation and talk through the logistics for the December evaluation.

Call for the Question

Trustee Garcia Morales called for the question.

Trustee Ford clarified her motion to schedule a mid-year evaluation to be held Monday, September 27, 2021, at 5:00 p.m., following the Strategic Plan and using the protocols they used in the past.

Trustee Guzmán confirmed that was her understanding of the motion.

Vote on call for the question was unanimous.

*Vote on Trustee Ford's motion: Yeses – 2 (Cavazos, Ford); Noes – 4 (Brooks, Cepeda, Garcia Morales, Guzmán)
The motion failed.*

Motion to hold a special meeting for September 27, 2021, to set the goals for the December 15, 2021, evaluation criteria.

Motion: Guzmán Second: Brooks

Trustee Brooks offered a friendly amendment to the motion to have the item on the upcoming October work session agenda.

Trustee Guzmán agreed to that friendly amendment.

Trustee Ford said she feels this item could dominate the work session or not give employees the opportunity to weigh in, and she suggested keeping the special meeting date of September 27, 2021.

Vote on Trustee Guzmán's motion was unanimous.

Upcoming Meeting of the Board of Trustees – Thursday, September 9, 2021, 5:00 p.m.

Trustee Cavazos stated the location of the upcoming meeting would be announced.

Public Comment Period on Non-Agenda Items
None.

Adjourn: 3:50 p.m.

Motion: Ford Second: Guzmán Vote: Unanimous