

**MINUTES OF THE OCTOBER 19, 2021
MEETING OF THE
WASHOE COUNTY SCHOOL DISTRICT
BOARD POLICY COMMITTEE**

October 19, 2021

1. Opening Items

1.01 Call to Order

The meeting of the Board Policy Committee was called to order at 2:01 p.m. The meeting was conducted in the Board Room of the Central Administration Building, located at 425 East Ninth Street in Reno, Nevada.

1.02 Roll Call

President Angela Taylor and Board Members Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, and Beth Smith were present. Superintendent Kristen McNeill, Chief General Counsel Neil Rombardo, and staff were also present.

2. Items for Presentation, Discussion, and/or Possible Action

2.01 APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2021 BOARD POLICY COMMITTEE MEETING

It was moved by Trustee Smith and seconded by Trustee Minetto that **the Board Policy Committee approves the minutes of the September 21, 2021 Board Policy Committee meeting.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

2.02 DISCUSSION AND POSSIBLE ACTION TO RECOMMEND REVISIONS TO AND/OR FORWARD THE PROPOSED REVISIONS OF BOARD POLICY 4505, STANDARDS OF PROFESSIONAL CONDUCT, SPECIFICALLY REMOVAL OF REDUNDANT LANGUAGE, ADDITION OF LANGUAGE AND RENUMBERING FOR CLARITY, REMOVAL OF REFERENCES TO VOLUNTEERS FROM AN EMPLOYEE POLICY, AND CHANGES TO CONFORM TO ADOPTED BOARD POLICY FORMAT AND LANGUAGE CONVENTION, TO A FUTURE REGULAR MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION OF PRELIMINARY APPROVAL

Emily Ellison, Chief Human Resources Officer, introduced herself and Marissa McClish, Professional Growth Systems Coordinator, for the record. Ms. Ellison went over the proposed revisions of Board Policy 4505, Standards of Professional Conduct. She

explained that most of the changes are deletions of redundant language, changes to conform to adopted Board Policy format and reflect current practice, and reordering for clarity. The structure of the policy was reordered to move the *Definitions* section to the beginning of the policy. *Governing Principles* and *Governing Practices* were removed in accordance with adopted Board Policy format with some of the language from those sections moved to the *Policy* section. "Ethics and Conflict of Interest" was moved to section 2 under *Policy*. The new section 6 directs the Superintendent to adopt Administrative Regulations and specifies what provisions the Administrative Regulations are to include. Language about "whistleblower protection" was moved to its own new section 5 titled "Prohibition on Retaliation." "Culture of Respect" was moved to the new section 3.

Ms. Ellison then went over some text changes in the policy including the deletion of a reference to work performance and the addition of language in the *Purpose Statement* referencing professional conduct and ethics. Some language was also removed throughout the policy in an effort to minimize editorial comment. In section 2.b. the language "...or anyone who receives compensation from the District in any form..." was added to ensure that everyone acting as a representative of the District adheres to the expectations of professional conduct. In section 3.b.3. the language "...a duty of loyalty and care toward the District..." was added. A new section titled "Discipline" was added with language about the expectation of compliance; additionally, the utilization of progressive discipline plans was moved to this section from other areas of the policy. The remainder of the changes were conforming format changes and the removal of a legal reference that is not applicable to this policy.

Trustee Church suggested the policy needs a definition of "employee" in the *Definitions* section and he pointed out that section 2.b. refers to employees and volunteers. Ms. Ellison noted that the "volunteer" reference in this section should have been deleted as it was in other sections of the policy because volunteers are referred to in another policy. Trustee Church asked if this policy applies to Trustees as well, and if all employees are subject to NRS 281A as mentioned in the definition of "ethics" in the policy.

Ms. Ellison suggested that there is a definition of "employee" in Board Policy 4510 that would be appropriate for Board Policy 4505. She recommended adding a definition of employee at the beginning of the policy and consolidate any references to specific types of employees in other parts of the policy to simply "employee(s)." She confirmed that this policy does apply to Trustees.

Trustee Church asked how relationships, such as applicants to the Board of Trustees or Trustees that have spouses or other relatives that are employed by the District, affect the Trustees. Mr. Rombardo explained that if a Trustee was related within three degrees on consanguinity to a teacher in the District, that Trustee could not vote on teacher contracts because it would be a conflict of interest. Trustee Nicolet commented that

there is training around this issue as well as NRS and Trustees need to recognize if they should recuse themselves from a vote if there is a potential conflict of interest. Mr. Rombardo added that NRS 281A requires the Trustees to contact the Office of the General Counsel and inform them of any conflict of interest. The Office of General Counsel will then advise the Trustee if they need to provide a disclosure or recuse themselves from a vote. The law in Nevada states that a Trustee must vote unless they are prohibited from voting under NRS 281A. Mr. Rombardo clarified that Trustees are not technically employees by statute, but rather, are elected officials. Ms. Ellison then recommended that wherever different types of employees are listed in the policy it be consolidated to read "Trustees and employees."

Trustee Church asked if NRS 281A applies to all employees. Mr. Rombardo answered that NRS 281A applies to public officers and public employees as defined in the statute. Public employees still have to comply with certain portions of NRS 281A. He clarified that Board Policy 4505 is concerned not only with NRS 281A, but also compliance with adopted Board Policies and Administrative Regulations. Superintendent McNeill pointed out that section 2 on page nine of the policy lists the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) that the policy complies with.

Trustee Church asked for clarification around the language on page four of the policy "demonstrate a duty of loyalty and care toward the District..." Mr. Rombardo explained that all employees of the District owe a duty of loyalty and care to their position and this varies based on position. Ms. Ellison added that the former policy text only referred to "respect" and "a duty of loyalty and care" provides more specificity about what is expected from employees. Trustee Church asked if this applies to Trustees and suggested the term is vague. Ms. Ellison and Mr. Rombardo confirmed that it does apply to Trustees. Trustee Church asked how this would be applied. Mr. Rombardo explained the progressive discipline approach used by the District. Trustee Nicolet commented that this is a powerful term and recommended that a simple definition of "duty of loyalty and care" be added to the policy. President Taylor commented that it is difficult to define nuances because they are dynamic. Trustee Rodriguez commented that this language looks similar to other government entities. There was more discussion about what a definition of loyalty and care would be. Mr. Rombardo gave a possible definition "duty of loyalty is that employees must act solely for the benefit of the District in matters within the scope of their employment. Employees must not engage in conduct that is adverse to the District's interests." Trustee Church suggested adding language to the effect that "any action taken be done in good faith." Ms. McClish noted that language in section 5 under *Prohibition on Retaliation* uses the term "good faith." Trustee Smith noted that "duty of care" and "duty of loyalty" are established terms in publicly traded companies and non-profit organizations. She added that "duty of loyalty" is concerned with not undermining the best interests of an organization and is not about requiring acquiescence. Trustee Nicolet suggested making the definition more positive and focused on what an employee should do. She recommended that staff work on a definition.

It was moved by Trustee Rodriguez and seconded by Trustee Minetto to **change the wording to “employees and Trustees” anywhere specific types of employees are listed in the policy.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

It was moved by Trustee Rodriguez and seconded by Trustee Minetto to **add the definition “employee refers to those who work for the District in return for financial or other compensation including full-time, part-time, and temporary employees.”** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

It was moved by Trustee Nicolet and seconded by Trustee Smith to **direct staff to work on a definition of “duty of loyalty and care.”** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

It was moved by Trustee Church and seconded by Trustee Rodriguez to **remove the references to “volunteer(s)” in sections 2.b. (page 3) and 4.a. (page 4) of the policy.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

It was moved by Trustee Smith and seconded by Trustee Minetto that **the Board Policy Committee forwards the proposed revision of Board Policy 4505, Standards of Professional Conduct, as amended, to a future regular meeting of the Board of Trustees for consideration of preliminary approval.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

2.03 DISCUSSION AND POSSIBLE ACTION TO RECOMMEND REVISIONS TO AND/OR FORWARD THE PROPOSED REVISIONS OF BOARD POLICY 4510, PROTECTION OF STUDENTS AND MANDATORY REPORTING, SPECIFICALLY ADDITION OF LANGUAGE AND RENUMBERING FOR CLARITY, REMOVAL OF EDITORIAL COMMENTARY LANGUAGE, AND CHANGES TO CONFORM TO ADOPTED BOARD POLICY FORMAT AND LANGUAGE CONVENTION, TO A FUTURE REGULAR MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION OF PRELIMINARY APPROVAL

Marissa McClish, Professional Growth Systems Coordinator, presented the proposed revisions to Board Policy 4510, Protection of Students and Mandatory Reporting. Most of the changes involved reorganizing the policy for clarity and changes to conform to

adopted Board Policy format. Definitions of “child” and “employee” were added to the policy. She recommended that the definition of “employee” in this policy be changed to the definition just discussed and voted on for Board policy 4505. A reference to volunteers was removed from section 1 under *Policy*. Editorial commentary language was removed from the policy. Language was updated in section e. on page four stating the “District requires the reporting of abuse, neglect...” rather than “encourages” because reporting is required by law.

There was no discussion on this policy.

It was moved by Trustee Smith and seconded by Trustee Rodriguez that **the Board Policy Committee forwards the proposed revision of Board Policy 4510, Protection of Students and Mandatory Reporting, as amended, to a future regular meeting of the Board of Trustees for consideration of preliminary approval.** Trustee Church was not present for the vote. The result of the vote was Unanimous: Pass (Yea: Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

2.04 DISCUSSION AND POSSIBLE ACTION TO RECOMMEND REVISIONS TO AND/OR FORWARD THE PROPOSED REVISIONS OF BOARD POLICY 4550, STAFF INTERACTIONS WITH STUDENTS, SPECIFICALLY ADDITION OF LANGUAGE AND RENUMBERING FOR CLARITY, REMOVAL OF EDITORIAL COMMENTARY LANGUAGE, AND CHANGES TO CONFORM TO ADOPTED BOARD POLICY FORMAT AND LANGUAGE CONVENTION, TO A FUTURE REGULAR MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION OF PRELIMINARY APPROVAL

Marissa McClish, Professional Growth Systems Coordinator, presented the proposed revisions to Board Policy 4550, Staff Interactions with Students. Again, most of the revisions involved the removal of editorial commentary language, changes to conform to adopted Board Policy format and language convention, and reordering for clarity. The definitions for some terms that are not actually mentioned in the policy were deleted. The definition of “employee” is somewhat broader in this policy in the context of employee interactions with students.

Trustee Smith suggested the addition of a comma to section 4.a.ii. after “or form communication with” for editorial clarification. The comma was added.

Trustee Church suggested that “communication” may need to be defined in the policy and commented that there is some degree of mentoring between students and teachers. Ms. McClish noted that the section on “appropriate communications” is intended to address that. There was discussion about the definition of communication. Trustee Smith

suggested, rather than defining and listing different types of communication, adding the language "all forms of communication" to section 1.c. on page two of the policy.

It was moved by Trustee Smith and seconded by Trustee Minetto that **the wording "all forms of communication" be added to section 1.c. on page two of the policy.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

Trustee Nicolet referred to the definition of "employees" as "all District employees, and volunteers, which may include but is not limited to, unpaid coaches, chaperones and advisors..." She expressed the opinion that volunteers should not have the same expectations as other employees in terms of communication with students because they may know a student on a personal level outside of a volunteer situation. She used the example of a volunteer being a "friend" of a student on social media because they know them personally. Mr. Rombardo commented that volunteers should be included in this policy for the protection of students. He pointed out the policy states employees, including volunteers, may communicate with students for two reasons: regarding education or District/school related matters, and where a relationship exists between the employee and the student and his/her family. There was discussion around clarifying the language under *Personal Use of Social Media*. Lauren Ford Baxter, Area Superintendent, explained that there are principals that have social media accounts to encourage and promote their school sites. There are interactions with students and parents on these school based social media accounts. She further explained that "friending" students through person social media accounts is not appropriate. After some more discussion additional language was agreed upon.

It was moved by Trustee Rodriguez and seconded by Trustee Nicolet **to add language under *Personal Use of Social Media* to read: "ii. Employees may not friend, follow, or otherwise interact on personal social media accounts unless the employee has a relationship that exists unrelated to the District with the student and his/her family" and "iii. Employees may friend, follow or otherwise interact with students through District-sponsored and/or professional social media accounts for education purposes and District or school-related communications."** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

Mr. Rombardo recommended that the standard language stating the Superintendent may adopt Administrative Regulations be added to the end of the policy. Dr. Nicolet noted that this is not added to all Board Policies and asked why it is appropriate to add it to this one. Mr. Rombardo answered it is appropriate in this case because there is detail and specificity that needs to come from the Superintendent to direct Area Superintendents.

It was moved by Trustee Nicolet and seconded by Trustee Minetto to **add the standard Administrative Regulation language to the last paragraph of the policy.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

It was moved by Trustee Smith and seconded by Trustee Minetto that **the Board Policy Committee forwards the proposed revisions of Board Policy 4550, Staff Interactions with Students, as amended, to a future regular meeting of the Board of Trustees for consideration of preliminary approval.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

2.05 DISCUSSION AND POSSIBLE ACTION TO RECOMMEND REVISIONS TO AND/OR FORWARD THE PROPOSED REVISIONS OF BOARD POLICY 5025, STUDENT PLACEMENT AND COMMUNICATION OF PROGRESS-PROMOTION, ACCELERATION, AND RETENTION, SPECIFICALLY TO ALIGN WITH THE RESPONSE TO RECOVERY STRATEGIC PLAN, THE WORK AROUND PROFESSIONAL LEARNING COMMUNITIES, AND THE DEVELOPMENT OF DISTRICT ESSENTIAL STANDARDS, TO A FUTURE MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION OF PRELIMINARY APPROVAL

Lauren Ford Baxter, Lead Area Superintendent, presented the proposed changes to Board Policy 5025, Student Placement and Communication of Progress-Promotion, Acceleration, and Retention. Ms. Ford Baxter explained that the purpose of Board Policy 5025 is to address the effect that academic placement, promotion, acceleration, and retention discussions have on students and families. A portion of the *Purpose* statement was removed to be included in section 9.a. and 9.b. of the policy. Some language was removed because it is in another policy or was more suited for an Administrative Regulation. In reviewing the policy, they collaborated with Student Accounting and the Attendance Department.

Trustee Church pointed out section 5.c. on page four of the policy regarding written notice when it is believed a student is going to fail a course and asked if this creates an undue burden on teachers. Ms. Ford Baxter replied that they have procedures generated thorough *Infinite Campus* by which progress reports and academic warnings are sent out, so there is no additional burden on teachers. In addition, the *Edline* system can be set up to notify student/parents every time a grade posts. Teachers also have the ability to reach out to families directly.

Dr. Nicolet asked if there is an effort in consultation with parents regarding retention. Ms. Ford Baxter explained that typically there would be a meeting held by the principal with the counselor, teacher, and the student's parents to discuss a student's academic

progress and essential standards. She added that there are a lot of interventions put into place before considering retention that are identified in Administrative Regulations.

It was moved by Trustee Minetto and seconded by Trustee Rodriguez that **the Board Policy Committee forwards the proposed revision of Board Policy 5025, Student Placement and Communication of Progress-Promotion, Acceleration, and Retention, to a future regular meeting of the Board of Trustees for consideration of preliminary adoption.** The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

2.06 DISCUSSION AND POSSIBLE ACTION TO RECOMMEND REVISIONS TO AND/OR FORWARD THE PROPOSED REVISIONS OF BOARD POLICY 5050, ACADEMIC PLANNING, COUNSELING, AND STUDENT SUPPORT, SPECIFICALLY TO CLARIFY LANGUAGE AND REFLECT CURRENT PRACTICES, TO A FUTURE MEETING OF THE BOARD OF TRUSTEES FOR CONSIDERATION OF PRELIMINARY APPROVAL

Katherine Loudon, Counseling Coordinator, presented the proposed revisions to Board Policy 5050, Academic Planning, Counseling, and Student Support. The revisions were made primarily to make editorial corrections, update formatting and language conventions, and remove of material that was more appropriate for an Administrative Regulation.

Trustee Nicolet asked about the language in section 1.b. under *Policy* where it states a school counselor shall “devote not less than 80% of his or her time providing direct or indirect services to pupils.” Ms. Loudon explained that a school counselor has an endorsement from the Nevada Department of Education and it is a certified position. There are things required by law to become a licensed school counselor and the District can only hire school counselors that are licensed whether they are working as a substitute teacher or in their full capacity as a counselor. The 80% figure comes directly from the NRS to ensure that time is spent focused on counseling duties.

Trustee Smith suggested the removal of the comma from the first sentence of section 2 on page one of the policy. The comma was removed.

Mr. Rombardo explained that this policy is required by state law.

It was moved by Trustee Smith and seconded by Trustee Minetto that **the Board Policy Committee forwards the proposed revision of Board Policy 5050, Academic Planning, Counseling, and Student Support, with the comma correction requested by Trustee Smith, to a future regular meeting of the Board of Trustees for consideration of preliminary adoption.** The result of the vote was

Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

2.07 DISCUSSION AND POSSIBLE ACTION, PURSUANT TO BOARD POLICY 9070(1)(B)(II)(3), TO DIRECT THE SUPERINTENDENT TO DRAFT A PROPOSED BOARD POLICY THAT OUTLINES THE DISTRICT'S PROCESS WHEN A TRUSTEE CHANGES HIS/HER ADDRESS/DOMICILE AND BRING BACK THE PROPOSED BOARD POLICY TO THE BOARD POLICY COMMITTEE

President Taylor told the Committee that Trustee Nicolet requested this agenda item be brought before the Board Policy Committee. Mr. Rombardo added that, pursuant to Board Policy, a Trustee may request that a Board Policy be drafted, but a vote of the entire Board is needed to direct the Superintendent to do so.

Trustee Nicolet clarified the intent that a Trustee has an obligation to know where they live and ensure that they live in the district from which they were elected or appointed. Whenever a Trustee moves, it is incumbent on the Trustee to reaffirm that they continue to live in their elected/appointed district. Once that affirmation is attained, it should be submitted to the WCSD Human Resources Department (HR) and there should be a mechanism by which the Board President is informed. If a Trustee finds out that they no longer live in the district they were elected/appointed from, they are equally obligated to inform the Board President within a time frame that should be specified. She suggested possibly having a yearly affirmation of address by Trustees that is filed with HR. The overall goal of such a policy would be to put the ownership on the Trustee and to have a record of it.

President Taylor said that she supports the idea of a policy and added that if the Board President moves then it needs to be affirmed to the Vice President. She expressed concern with affirming address annually and recommended it should be done at the time the Trustee moves.

Trustee Church asked if a new policy should be concerned strictly with address and moving out of district, or should it concern other things that would disqualify a Trustee from serving. Trustee Rodriguez noted that any discussion about things other than domicile would be off topic for the agenda item.

Trustee Church asked if a Trustee could request a modification to an existing policy. He commented that this would be a relatively short policy and could it possibly be added to an existing policy. President Taylor noted that the motion could be to direct staff to find a place for this in an existing policy or to create a new policy.

It was moved by Trustee Church and seconded by Trustee Nicolet that **the Board Policy Committee directs the Superintendent to create a Board Policy, or amend an**

existing Board Policy, outlining the process for when a Trustee moves or changes address to a future meeting of the Board Policy Committee. The result of the vote was Unanimous: Pass (Yea: Jeff Church, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor) Final Resolution: Motion Carries.

3. Closing Items

3.01 Public Comment

The Board received public comment from Joe Morabito.

3.02 Announcement of Next Meeting

The next meeting of the Board Policy Committee will take place on Tuesday, November 16, 2021 at 2:00 p.m.

3.03 Adjourn Meeting

There being no further business to come before the members of the Committee, President Taylor declared the meeting adjourned at 5:04 p.m.

Angela D. Taylor, President