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STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

555 E. Washington Ave. Suite 3900  
Las Vegas, Nevada 89101

January 16, 2023

Via U.S Mail and Email

Diana Battista



**Re: Open Meeting Law Complaint, OAG File No. 13897-442  
Clark County School District Board of Trustees**

Dear Ms. Battista:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Clark County School District Board of Trustees (“Board”) regarding your request for supporting material for its December 9, 2021, meeting.

The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG’s investigation of the Complaint included a review of the Complaint, the Response, and the agenda and supporting material for the Board’s December 9, 2021, meeting.

After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged in the Complaint.

**FACTUAL BACKGROUND**

The Board held a public meeting on December 9, 2021, at 5:00 p.m. The posted agenda for the meeting included the following statement:

The meeting agenda and any reference material are available for viewing electronically at <https://go.boarddocs.com/nv/ccsd/v/Board.nsf/Public> under the Meetings tab. In addition, members of the public may request a copy of the agenda and reference

material for the meeting by contacting Cindy Krohn at the Office of the Board of Trustees at (702) 799-1072. A copy of the agenda and reference materials are also available at the public meeting.

Agenda item 3.27, part of the Board's consent agenda, stated: "Discussion and possible action on approval of the adoption of Clark County School District Policy 6120, Multi-Tiered System of Supports, is recommended (For Possible Action) [Contact Person: Dustin Mancl] (Ref. 3.27)". A one-page document titled "Clark County School District Policy P-6120" was available on the Board's website in reference to agenda item 3.27.

On the morning of December 9, Complainant contacted Dustin Mancl requesting a copy of the Multi-Tiered System of Supports ("MTSS") being considered under the agenda item. Complainant did not hear back from Mr. Mancl that day but did attend the meeting in search of the same document. The MTSS was not available at the meeting. Mr. Mancl responded to Complainant the next day and provided the one-page reference material. Complainant clarified that he was requesting the MTSS. Board staff treated this as a public records request and Complainant received a copy of the MTSS on January 4, 2022. Complainant then filed the instant Complaint.

### **LEGAL ANALYSIS**

The Clark County School District Board of Trustees, created under the provisions of NRS Chapter 386, is a public body as defined in NRS 241.015(4) and is subject to the OML.

Public bodies must provide a copy of supporting material for a meeting to a member of the public upon request. NRS 241.020(7). In addition, the public notice agenda for a meeting must include:

The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

- (1) A list of the locations where the supporting material is available to the public; or
- (2) Information about how the supporting material may be found on the Internet website of the public body.

NRS 241.020(3)(c). Supporting material is defined in the OML as "material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body

would reasonably rely on to deliberate or take action on a matter contained in a published agenda.” NRS 241.015(7).

Here, the Board’s agenda included a contact individual from whom supporting material could be requested, information on how supporting material could be found on the Board’s website and provided that supporting material to Complainant upon request. Complainant contends that the Board violated the OML because the materials were not provided until after the meeting. However, Complainant did not contact the individual listed on the agenda for supporting material and instead contacted the individual who was listed as presenting the item. While this does not entitle the Board to ignore such a request, it explains the response occurring a day late. Moreover, the OAG does not possess evidence that the MTSS was ever provided to a quorum of the Board and thus did not meet the definition of supporting material under the OML. Based on the foregoing, the OAG does not find a violation of the OML in this instance.

### **CONCLUSION**

Upon review of your Complaint and available evidence, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD  
Attorney General

By: /s/ Rosalie Boardelove  
ROSALIE BORDELOVE  
Chief Deputy Attorney General

cc: Nicole Malich, Deputy District Attorney  
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