

CRAIG A. NEWBY
First Assistant Attorney General

AARON D. FORD
Attorney General

LESLIE NINO PIRO
General Counsel

CHRISTINE JONES BRADY
Assistant Attorney General



HEIDI PARRY STERN
Solicitor General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119

June 10, 2026

Via U.S. Mail and Email

Crystal Gittler
[REDACTED]
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-566
Clark County School District Board of Trustees**

Dear Ms. Gittler:

The Office of the Attorney General ("OAG") is in receipt of your complaint alleging violations of the Open Meeting Law ("OML") by the Clark County School District Board of Trustees (the "Board"). Specifically, your complaint alleges that the Board improperly placed and voted on a policy determination via its consent agenda and failed to properly receive and/or publish submitted written public comments on said policy in a viewpoint neutral manner during a public meeting that took place on August 28, 2025.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (NRS) 241.037; NRS 241.039; NRS 241.040. In response to your complaint, the OAG reviewed your complaint, supplement and attachments, as well as Respondent's response.

FACTUAL BACKGROUND

The Board consists of eleven (11) elected trustees. The agenda item in question was part of the August 28, 2025, regular public Board meeting. In review of the posted agenda from that meeting, the item identified as concern, Policy No. 4300, was included as a sub-item as part of a consent agenda that included several other “Human Resources” related policies. A disclaimer in the agenda noted that, “Consent Agenda items will be voted upon in one motion unless a Trustee makes a motion and receives majority Board approval to take that item separately from the Consent Agenda”.

As is typical, the first public comment period was designated for comments on specific agenda items or sub-items. In review of the archived video from this public meeting, several in-person attendees signed up and did give public comments to the Board on a variety of pending consent agenda items. There was no reference by the Board of having received any written public comments prior to the meeting. There was, however, one previously received written comment that was included with the agenda for the second public comment period, which is reserved for comments on non-agenda matters. No trustee of the Board requested that Policy No. 4300 be separated out from the consent agenda for individualized consideration, and it was voted on as part of the rest of the consent agenda, passing with unanimous support.

The Board’s agenda included directions on providing public comment, both in-person and in writing, which stated in pertinent part the following:

Members of the public are permitted to provide public comment on any agenda item requiring Board action after staff presentations and discussion by the Board, but before the Board votes on the item. Speakers will be given 3 minutes to address the Board and shall remain on topic.

A public comment period will be offered immediately prior to the adjournment of the meeting for members of the public who wish to speak on matters that are within the jurisdiction of the Board but not listed as an action item on the agenda. Each individual wishing to speak during this period will be given 3 minutes to address the Board.

Written public comments may be submitted to boardmtgcomments@nv.ccsd.net after the agenda has been posted and at least 8 business hours prior to the scheduled start of the meeting. Any written comments received after the deadline and prior to the meeting adjourning will be uploaded to BoardDocs within the appropriate item on the next business day.

These very same directions are also included on the Board’s website under a heading for “Public Comment at Board Meetings”.

DISCUSSION AND LEGAL ANALYSIS

Respondent is a “public body” as defined in NRS 241.015(4) and subject to the OML.

A. Consent Agenda

The first allegation in this matter is that the Board utilized the consent agenda to take action on a policy matter that you found to be of high importance, allegedly as a means of stifling discussion and/or public participation of the policy which may have otherwise occurred if it had been considered as an individual agenda item. The use of consent agendas by a public body is an organizational tool, only, and is expressly permitted by the OML under NRS 241.020(3)(d)(6)(II). There is no requirement in the OML that a public body must or should decide matters of certain perceived importance outside of a consent agenda or with individual consideration. It is important to remember that any trustee of the Board could have asked that any of the agenda sub-items in the consent agenda be removed from the consent agenda and singled out for individual consideration should they have deemed it necessary. That did not occur here and the policy in question, Policy No. 4300, was voted on with the other listed consent agenda items and passed unanimously by the Board.

On the “public participation” argument, it is apparent that any public comment about the proposed policy could have been given during the first public comment period, therefore, there was no deprivation of public participation regardless of whether it was agendized individually or as part of the consent agenda. In sum, it was not a violation of OML for the Board to have operated in this manner, regardless of the purported importance of the policy matter in question.

B. Acceptance and Publishing of Written Public Comments

The second allegation in this matter is that you submitted a timely written public comment for the public meeting that took place on August 28, 2025, but that comment was not received, acknowledged by the Board during the meeting, and/or published with the meeting minutes/materials. As a general matter, OML does not require that a public body must accept any written public comments. However, if a body does accept public comments, it must not treat comments expressing one viewpoint differently than comments expressing any other viewpoint (i.e. viewpoint neutral) per NRS 241.020(3)(d)(7). As noted above, the Board’s directions in its agenda and on its website did include the opportunity for written public comments to be submitted prior to or during the public meeting.

In this matter, you have presented evidence that you emailed written public comment to the web address that was listed on the agenda as having been available to receive written public comments, prior to the meeting, but that the email was never opened. You have asserted that your submitted written comments, that were in opposition to proposed Policy No. 4300, may have been intentionally unopened so that they would not have to be acknowledged or included with meeting materials. It should be noted that Respondents submitted a signed letter from the Board’s Director, Katelyn Taylor, who proffered that a search of the boardmtgcomments@nv.ccsd.net

web address did not uncover any emails from your email address cdgitter@gmail.com, even though emails to that address are automatically forwarded to Ms. Taylor's email as well. While you have submitted screen shots demonstrating that you first sent your emailed comments to the listed web address on 8/25/25, and that email was unopened, that does not necessarily demonstrate that there was an OML violation here. If a technical issue prevented your submitted comment from appearing in the listed email, for whatever reason, that would likely fall under the "technical problems" exception provided in NRS 241.020(10). As to your claim that your submitted comment was not opened or ignored intentionally based on viewpoint, it needs to be noted that your unopened emailed comment does not indicate a viewpoint on its face. It is simply titled "Public Comment for Agenda Item 2.08- Policy 4300". That ostensibly could have been a submitted comment for or against the proposed policy.

You have additionally provided evidence that you also submitted those same written public comments to the individual trustees' emails the following day on 8/26/25, and that at least some of those correspondences were opened. While some of the individual trustees who opened the email may have been aware of your comments on proposed Policy 4300, that does not change the Board's responsibility, or lack thereof, under the OML to accept written public comments submitted in a manner other than the process provided for in the meeting agenda. In other words, emailed written public comments to the trustees' individual emails did not create an obligation for the Board, as a body, to accept them as they were submitted outside of the prescribed process.

As noted at the beginning of this analysis, there is no requirement in the OML that written public comments submitted to a body must be accepted, just so long as those comments are not treated differently based on viewpoint. Here, there is no evidence that your public comments were intentionally ignored or disregarded based on your viewpoint of proposed Policy No. 4300. As previously stated, the title of your unopened submitted comments only referred to the agenda item number and proposed policy number, there was no clear position noted. There is also no evidence here that the Board received written public comments submitted in *support* of proposed Policy No. 4300, and that those comments were considered by the body or otherwise treated in a manner differently from your submitted written comments that were in *opposition*.

In sum, the OAG does not possess evidence that the Board violated OML in its handling of your submitted written public comment prior to the meeting.

CONCLUSION

In conclusion, for all of the reasons stated and discussed above, the OAG has reviewed the available evidence and has not found that any violations of the OML have occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

By: /s/ Todd M. Weiss
TODD M. WEISS, ESQ.
Senior Deputy Attorney General

cc: Jon M. Okazaki, Esq., General Counsel for Respondent
Theodore Parker, III, Esq., Counsel for Respondent