

NEVADA DEPARTMENT OF EDUCATION

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code. The Workshop has been scheduled for **February 26, 2018** via video conference at the following locations: **Nevada Department of Education Offices, Board Conference Room, 700 East Fifth Street, Board Room, Carson City and 9890 South Maryland Parkway, 2nd Floor Board Conference Room, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested person on the following general topics to be addressed in a proposed regulation:

09:00 A.M. Workshop to solicit comments on proposed amendments to NAC Chapter 388G relating to the establishment of a respectful and safe environment to ensure staff and stakeholders may freely engage in discourse and decision-making without fear of relation or reprisal; establishing service level agreements between district and local school precincts and their use; clarifying timelines for school budgets; making a distinction between rural and small rural schools; and clarifying the term allocate as used in Assembly Bill 469.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, the 17 Nevada School District Superintendents' Offices, the 17 Nevada County main public libraries, the Nevada State Library and Archives, and at the meeting locations.

Proposed Language AB469

Department of Education

Protections against retaliation/reprisal: In order for local school precincts to exercise the full extent of their autonomy afforded under Assembly Bill 469, a complete and open exchange of ideas must be encouraged. Assembly Bill 469 extended protections to members of each local precinct's School Organizational Team to encourage active participation by the public. In order to encourage the free flow of ideas and innovation, the regulations seek to create a dispute resolution process and extend protections against retaliation or reprisal to parents, teachers, principals and other members actively engaged at a local school precinct. As a pretext to these regulations it is assumed that the Large School District will ensure a complaint about a CCSD employee is handled appropriately and in accordance with existing policy and negotiated collective bargaining agreement.

- Establishing a dispute resolution process, beginning at the district then appealable to the state. Each step in the process shall include timelines.
 - The District shall adopt a dispute resolution process for issues arising from the performance of duties on a school organizational team.
 - Within 15 business days of a request for dispute resolution the school district must respond in writing.
 - The District's dispute resolution process, at a minimum, shall create a procedure for the resolution of disputes within 30 business days related to:
 - An objection arising out of or relating to the plan of operation for the local school precinct by a School Organizational Team;
 - A dispute involving a majority of the members of School Organizational Team;
 - A dispute between the School Organizational Team and the principal of a local school precinct.
 - Within 45 business days of the request for dispute resolution, the District must provide a report of dispute resolution with appropriate redactions to ensure the privacy of all parties, on the district website.
 - If, after undergoing the district's dispute resolution process, the complainant may file a request for dispute resolution with the Nevada Department of Education within 10 business days after receiving the district's report of dispute resolution.
- A request for dispute resolution to the Department must include:
 - A letter requesting state dispute resolution and the reasons for dissatisfaction with the outcome of the district's dispute resolution process
 - The district's report of dispute resolution
 - A signed declaration that waives the complainant's applicable confidentiality rights.
- Within 10 business days of receiving a request for state dispute resolution, the Department shall send a letter to the District and the complainant, determining whether state dispute resolution is warranted.
- If the Department finds that state dispute resolution is warranted, the Department shall provide a list of approved mediators for state dispute resolution and invite the District and the complainant to indicate a preference for a mediator within 5 business days of receipt of the letter.
- Within 5 business days of receipt of the parties' preferences for mediator, the Department shall set an up to three-hour dispute resolution session with:
 - The mediator for whom the complainant expressed preference;
 - The mediator for whom the District expressed preference, and;
 - A mediator chosen by the Department
- The Department shall issue a report of state dispute resolution within 10 business days of the state dispute resolution session.

- The Department may request a plan of corrective action with suggested changes to be made by the local district pursuant to the Superintendent of Public Instruction’s authority under state law. The request for a corrective action plan and any local response would be made public.

Establish the Service Level Agreement; minimum standards; terms and conditions; and when an SLA is required: the SLAs clarify the “transfer authority to each local school precinct to carry out responsibilities” in Sec. 16(1) and “made in consultation” under Se. 16(6).

- The transfer of authority to each local school precinct shall be made through service level agreements between local school precincts and central services.
- Service level agreements shall be developed between schools and any Central services departments for any service for which responsibility is transferred pursuant to section 16.7 of A.B. 469.
- At a minimum, a service level agreement shall:
 - Describe the purpose of the service provided for under the agreement;
 - Describe any laws, policies, regulations, or administrative directives pertaining to the delivery of the service;
 - Describe the roles and responsibilities of the local school precinct in purchasing the service from Central Services;
 - Describe site-based decision-making that the principal of the local school precinct has over the provision of the service, if any;
 - Define the scope of work and measures of quality for the service provided by Central Services, if applicable;
 - Define the recourse that a local school precinct has if it is dissatisfied with the service provided under the service agreement, and;
 - Define the fee for the service provided by Central Services to be charged to the local school precinct budget which will be included in the strategic budget.
- For services which responsibility is transferred to local school precincts pursuant to Section 16.7 of A.B. 469:
 - The district must allocate additional money to the local school precinct in an amount equal to the amount that would otherwise be paid by the large school district to carry out the responsibility.
 - Such money shall be considered allocated to local school precincts for purposes of compliance with Section 18.1(b) of A.B. 469 if a local school precinct has authority over the service as described in Sec. 16.2 of A.B. 469.
 - The District shall submit draft service level agreements to school associate superintendents annually.
 - School Associate Superintendents shall meet with the principals of local school precincts to review and solicit comments on draft service level agreements annually.
 - School Associate Superintendents shall provide a report on that feedback to the Superintendent before November 1st of each year.
 - Based on that feedback, the Superintendent shall determine whether to make changes to draft service level agreements for the next school year.
 - The Superintendents shall finalize, publish, and make available to principals service level agreements before May 15th of each year.
- The principal of a local school precinct shall have the authority to either:
 - Negotiate and enter into a service level agreement with Central Services;
 - Select a district qualified outside vendor, or;
 - Utilize the additional money allocated to them pursuant to Section 18.1(b) of A.B. 469 to carry out the responsibility at the school site with on-site employees or if there is no local, state, or federal law mandating the responsibility, to utilize the funding for another purpose relevant to educating students.

- No provision of this regulation shall be construed to require local school precincts to enter into service level agreements with Central Services for services which responsibility is transferred to local school precincts pursuant to Section 16.7 of A.B. 469.
- No provision of a service level agreement shall be construed to give Central Services supervisory authority over the principal of the local school precinct, nor the staff who work under the supervision of the principal. Likewise, no provision of a service level agreement shall be construed to give the principal or staff of a local school precinct supervisory authority over Central Services staff.
- The execution of a service level agreement for a particular service shall satisfy the requirement of consultation regarding the assignment and any subsequent reassignment of the member of Central Services to local school precincts, as outlined in Sec. 16.6 of A.B. 469, for that service.

Define Small Rural School

Small rural schools are not subject to the provisions of Section 16.8 of A.B. 469 and include the following local school precincts:

- Blue Diamond Elementary School
- Goodsprings Elementary School
- Harry Reid Elementary School
- Indian Springs Middle School
- Indian Springs High School
- Lundy Elementary School
- Sandy Valley Middle School*
- Sandy Valley High School*

*Combined for budgeting purposes.

Clarify the Term Allocate

- Money shall be considered allocated to local school precincts if:
 - It is placed into school strategic budget through a per-pupil allocation or board action pursuant to Section 16 of A.B. 469
 - A local school precinct can carry forward any year-end balance on that money to the next school year for use by the local school precinct.

BRIAN SANDOVAL

Governor

STEVE CANAVERO, Ph.D.

Superintendent of Public Instruction

STATE OF NEVADA



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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

DATE: February 6, 2018

RE: Public Workshop to Solicit Public Comments Regarding Regulations Concerning Amendments to NAC Chapter 388G

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed new regulations to be added to NAC Chapter 388G concerning the Reorganization of a Large School District are **not** likely to (a) impose a direct or significant economic burden upon a small business or (b) directly restrict the formation, operation or expansion of a small business. The proposed regulations provide procedures and policies related to the Reorganization of a Large School District.
2. A concerted effort was made to determine any economic burden. Sec. 16 of Assembly Bill 469 does include permissive language for local school precincts to procure equipment, services, and supplies from sources other than the local school district. The Department does not believe this creates an economic burden for small business.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or believe, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction