

Draft Non-Compliance Policy:

Nevada Administrative Code (NAC) 388G.XXX

1. The Powers of the Superintendent of Public Instruction to ensure the reorganization of the large school district include, but are not limited to:

- (a) Issuance of a Notice of Non-Compliance describing any deficiencies in the reorganization of the large school district to the Board of Trustees of a large school district and the Superintendent of Schools.*
- (b) At any time after the issuance of a Notice of Non-Compliance, require the development and implementation of a Plan of Corrective Action within forty-five days of receipt of the requirement to develop and implement a Plan of Corrective Action, subject to the approval of the Superintendent of Public Instruction, to address the deficiencies noted in the Notice of Non-Compliance.*
- (c) At any time after the issuance of a Notice of Non-Compliance, appoint a ~~Distinguished Educator~~ Compliance Monitor to assess reorganization including, but not limited to, the deficiencies noted in the Notice of Non-Compliance and provide recommendations for improvement. A ~~Distinguished Educator~~ Compliance Monitor must:
 - (1) ~~Be licensed as an educator and administrator in Nevada with not less than ten (10) years of combined experience as an educator and administrator~~ Have requisite skills that align to the deficiencies.*
 - (2) Assess the reorganization and any deficiencies noted by the Superintendent of Public Instruction and review or provide assistance in the development and implementation of any Plan of Corrective Action required by the Superintendent of Public Instruction.*
 - (3) Provide written reports to the board of trustees, no less than quarterly, on their assessment of the reorganization.*
 - ~~(4) Be compensated by the large school district commensurate with their qualifications and experience, as determined by the Superintendent of Public Instruction, as well as reimbursed for any reasonable and necessary expenses incurred in performing the duties of the distinguished educator.~~*
 - (4) Provide monthly reports and additional reports as requested to the Superintendent of Public Instruction.**
- (d) At any time after the issuance of a Notice of Non-Compliance, and after a ~~Distinguished Educator~~ Compliance Monitor has been appointed to assess the reorganization, require the Superintendent of Schools of the large district and the school district Board of Trustees must to:
 - (1) Place the assessment of the reorganization report on the Board of Trustees agenda, no less than once monthly, of its regular meeting.*
 - (2) Provide the ~~Distinguished Educator~~ Compliance Monitor with access to attend any and all meetings including, but not limited to, board of trustee meetings, executive or cabinet level meetings, principal meetings, and stakeholder meetings.*
 - (3) Compensate the Compliance Monitor commensurate with**

their qualifications and experience, as determined by the Superintendent of Public Instruction, as well as reimburse for any reasonable and necessary expenses incurred in performing the duties of the distinguished educator.

(4) Provide the Compliance Monitor with complete executive level employee access as outlined in any employment agreement or contract, the terms of which are subject to the approval of the Superintendent of Public Instruction.

(e) Not less than one hundred eighty calendar days after the Issuance of Notice of Non-Compliance, and if the large school district is still not in compliance with NRS 388G.500 through 388G.810, order a hearing to be held before the State Board of Education, inclusive of the Compliance Monitor, at which the Superintendent of Schools of the large district and the president of the board of trustees of the large district shall appear to explain the district's continued non-compliance; and at the conclusion of the hearing, the State Board of Education shall make a recommendation to the Superintendent of Public Instruction if the large school district should be placed in a partial or full receivership.

(e)(f) At any time after receiving the State Board's recommendation may place a large school district in ~~either partial or full~~ receivership. The Superintendent of Public Instruction shall then appoint a receiver, whose power, authority and duties shall be effective on the date of the receiver's appointment by the Superintendent of Public Instruction. Subject to the terms of the receivership as decided by the Superintendent of Public Instruction, once appointed, the receiver may perform any of the following actions:

(1) Override any decisions of the Superintendent of Schools of a large school district or the Board of Trustees, or both, concerning the areas subject to receivership as determined by the Superintendent of Public Instruction, and initiate and make decisions concerning the areas subject to receivership as determined by the Superintendent of Public Instruction.

(2) Attend any and all meetings of the of the large school district including, but not limited to, board of trustee meetings, executive or cabinet level meetings, principal meetings, and stakeholder meetings.

(3) Supervise ~~any related~~ ~~the~~ day-to-day activities of the large school district's staff, including reassigning the duties and responsibilities of personnel in a manner that, in the determination of the receiver, best suits the needs of the large school district to achieve compliance.

(4) Provide progress reports to the Superintendent of Public Schools and other reports as required by the Superintendent of Public Instruction.

(5) Reorganize the large school district to bring it into compliance with NRS 388G.500 through 388G.810. This includes, but is not limited to, reorganizing policies and regulations, management, budgetary systems, departments, divisions, and any other areas needed to bring the large school

district into compliance.

(6) Negotiate or renegotiate employment contracts to bring them into compliance with NRS 388G.500 through 388G.810, including but not limited to, with recognized bargaining units.

(7) Provide monthly reports and additional reports as requested to the Superintendent of Public Instruction.

(g) Following the appointment of a receiver by the Superintendent of Public Instruction, the large school district shall:

(1) Compensate the receiver and any staff hired or appointed by the receiver commensurate with their qualifications and experience, as determined by the Superintendent of Public Instruction, as well as reimburse them for any reasonable and necessary expenses incurred in performing their duties.

(2) Indemnify the receiver and any staff hired or appointed by the receiver who is made or threatened to be made a party to any litigation by reason of their status under this Title if the receiver or staff acted in good faith and in a manner that the receiver or staff reasonably believed to be consistent with the best interest of the large school district and if the receiver or staff had no reasonable cause to believe that the conduct was unlawful.

(3) Place the assessment of the reorganization report on the Board of Trustees agenda, no less than once monthly, of its regular meeting.

(4) Provide the receiver with complete executive level employee access as outlined in any employment agreement or contract, the terms of which are subject to the approval of the Superintendent of Public Instruction.

(h) Remove the large school district from receivership and dismiss the receiver and dismiss any staff appointed or hired by the receiver thirty days after the large school district is in compliance with NRS 388G.500 through 388G.810.

(i) At any time after removal from receivership, may reinstate the receivership if the large school district does not maintain compliance of the items of deficiency outlined in the initial Notice of Non-Compliance.

Revisions of Proposed Draft Regulation Language from March 28, 2022 and April 11, 2022
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Dispute Resolution Regulation (Full Version) with Draft Additions and Revisions:

NAC 388G.100 Establishment of dispute resolution process to address issues relating to member of organizational team; requirements for process; submission of dispute to Department. (NRS 388G.590)

1. The board of trustees of a large school district shall establish a dispute resolution process for issues relating to retaliation and reprisal as a result of the performance of duties as a member of an organizational team for a local school precinct established pursuant to [NRS 388G.700](#), ~~and for any disputes relating to the development and implementation of service-level agreements pursuant~~ related to [NRS 388G.500 through 388G.810](#) and any regulations thereof.
2. A dispute resolution process established pursuant to subsection 1 must include a requirement that:
 - (a) A large school district must respond within 5 business days after the date on which a request for dispute resolution is received by the school district. Such a response must be made in writing on a form prescribed by the board of trustees of the school district.
 - (b) All disputes must be resolved within 15 business days after the date on which a request for dispute resolution is received by the school district.
 - (c) Within 30 business days after the date on which a request for dispute resolution is received by the school district, the school district shall:
 - (1) Prepare a report regarding the dispute resolution and provide the report to the parties involved in the dispute resolution.
 - (2) Post the report prepared pursuant to subparagraph (1) on the Internet website maintained by the school district. The school district shall redact from such a report any information that could be used to identify the parties involved in the dispute resolution.
3. A party involved in a dispute may, within 10 business days after the date on which the person receives a report pursuant to subparagraph (1) of paragraph (c) of subsection 2, file with the Department a request that the Department resolve the dispute. Such a request must include
 - (a) Letter that states the reason the party is dissatisfied with the outcome of the dispute resolution by the school district and requests the Department to resolve the dispute;
 - (b) Copy of the report provided pursuant to subparagraph (1) of paragraph (c) of subsection 2; and
 - (c) Signed declaration that waives any applicable right of the person to the confidentiality of information concerning the dispute.
4. Within 10 business days after the date on which the Department receives a request to resolve a dispute pursuant to subsection 3, the Department shall:
 - (a) Determine whether resolution by the Department is warranted. The Department shall determine that such resolution is warranted if it determines, based on the information provided in the request made pursuant to subsection 3, there is reason to believe that the decision of the school district was erroneous.
 - (b) Notify the school district and the person who made the request of its decision.
5. If the Department determines that resolution by the Department is warranted pursuant to paragraph (a) of subsection 4, the Department shall provide the names of approved hearing officers to the parties involved in the dispute and invite each party to indicate to the Department a preference regarding which hearing officer the party would like to be selected.
6. The Department shall, within 5 business days after the last day on which a party indicates its preference regarding a hearing officer pursuant to subsection 5, arrange for a 3-hour

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dispute resolution session before:

- (a) The hearing officer for whom the school district expressed a preference;
 - (b) The hearing officer for whom the other person involved in the dispute expressed a preference, if such an officer is different from the person for whom the school district expressed a preference; and
 - (c) A hearing officer selected by the Department.
7. ***The actual cost of dispute resolution, including, but not limited to, the expense of and compensation for hearing officers selected pursuant to subsections 5 and 6 of this section, shall be the sole responsibility of the large school district.***
8. The Department shall, within 10 business days after the date on which a dispute resolution session is held pursuant to subsection 6, compile a report regarding the dispute resolution and provide a copy of that report to the parties involved in the dispute.
- ~~8.9.~~ If the Superintendent of Public Instruction finds that a school district has failed to comply with the requirements of this section, the Superintendent of Public Instruction may request the board of trustees of the school district to submit to the Superintendent of Public Instruction a plan of corrective action pursuant to [NRS 385.175](#). Such a request and any response to such a request by the school district must be made available to members of the public upon request.
10. ***Any cost or financial burden related to consequences imposed for noncompliance with the provisions of NRS 388G.500 through 388G.810, inclusive, or for noncompliance with any of the provisions of chapter 388G of NAC, shall be the sole responsibility of the large school district.***

Revisions of Proposed Draft Regulation Language from March 28, 2022 and April 11, 2022
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Draft Training Regulation:
NAC 388G.XXX(2)

- 1. A large school district shall, at least annually, provide mandatory training on the provisions of NRS 388G.500 through 388G.810, inclusive, and on the provisions of chapter 388G of NAC, to:**
 - (a) All voting members of the Board of Trustees of the school district;**
 - (b) The Superintendent of Schools of the large school district;**
 - (c) All members of the Superintendent of School's Cabinet;**
 - (d) All principal supervisors;**
 - (e) All principals employed by the large school district; and**
 - (f) Any person who is a member of a school organizational team within the school district.**
- 2. The training provided pursuant to subsection 1 must be approved by the State Superintendent of Public Instruction or designee prior to delivery. and, upon approval, make any training materials available on the large school district's website.**

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Draft Definition of “Other Staff who work under the direct supervision of the principal”

Nevada Administrative Code (NAC) 388G.XXX(3)

1. As used in this subsection and for purposes of the implementation of subsection 2 of NRS 388G.610:

- (a) *“Other staff who work under the direct supervision of the principal” shall mean any ~~support-staff~~ employee that is assigned to the local school precinct, is evaluated by the principal or any member of the principal’s ~~administrative~~ staff and is not a member of the staff of central services.*