

**NEVADA DEPARTMENT OF EDUCATION
REGULATION WORKSHOP
MAY 11, 2022
3:00 PM**

Office	Address	City	Meeting
Department of Education	2080 E. Flamingo	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual/Livestream	n/a	n/a

SUMMARY MINUTES OF THE WORKSHOP

DEPARTMENT STAFF PRESENT

Jessica Todtman, Deputy Superintendent for Educator Effectiveness and Family Engagement
Felicia Gonzales, Consultant to the State Superintendent

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE

Kellie Kowal-Paul, Chief Strategy Officer, Clark County School District
Chris Daly, Nevada State Education Association
Ken Paul, Principal, W. Mack Lyon Middle School

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Workshop called to order at 3:01 P.M. by Jessica Todtman, Deputy Superintendent for Educator Effectiveness and Family Engagement.

2. PUBLIC COMMENT #1

Kellie Kowal-Paul, Chief Strategy Officer, Clark County School District, provided public comment regarding NRS 388G. *(A complete copy of the statement is available in Appendix A).*

Rex Rivers, Teacher, Clark County School District, provided public comment regarding NRS 388G. *(A complete copy of the statement is available in Appendix A).*

Wendy Mulcock, community member, provided public comment regarding NRS 388G. *(A complete copy of the statement is available in Appendix A).*

3. 3:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 388G.XXX – WHICH PERTAINS TO REGULATORY LANGUAGE DEEMED NECESSARY BY THE STATE BOARD OF EDUCATION TO CARRY OUT THE PROVISIONS OF NRS 388G.500 THROUGH 388G.810, INCLUSIVE; NAC CHAPTER 388G.100 – ESTABLISHMENT OF DISPUTE RESOLUTION PROCESS TO ADDRESS ISSUES RELATING TO MEMBER OF ORGANIZATIONAL TEAM; REQUIREMENTS FOR PROCESS; SUBMISSION OF DISPUTE TO DEPARTMENT

[Workshop called to order at 3:12 P.M.]

[Presentation]

Felicia Gonzales, Consultant to the State Superintendent, outlined the Nevada Administrative Code chapters for proposed amendments relating to [NRS 388G.500-810 Compliance](#).

Ms. Gonzales noted that this item has three proposed regulations. The first labeled as Dispute Regulation with draft additions and revisions is an amendment to NAC 388G.100. It adds language regarding any disputes related to NRS 388G.500-810 and any regulations thereof. It adds language that passes the cost of dispute resolution onto the large district, and it would require that any cost of financial burden is the responsibility of the large district for any reasons of noncompliance. The second labeled as In Good Standing/Greatest Extent Possible seeks to define these terms provides guardrails for hiring a substitute teacher instead of a licensed teacher and it would require the large district to provide a report to the State Board of Education. The third labeled as Training outlines the requirements of training on the provision of NRS 688G.500-810 and on the provision of chapter 388G of the Nevada Administrative Code.

[Public comment]

No public comment.

[Workshop adjourned at 3:14 P.M.]

4. 3:10 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 388G.XXX – WHICH PERTAINS TO REGULATORY LANGUAGE THAT DEFINES “OTHER STAFF WHO WORK UNDER THE DIRECT SUPERVISION OF THE PRINCIPAL” WITHIN NRS 388G.610.

[Workshop called to order at 3:14 P.M.]

[Presentation]

Felicia Gonzales, Consultant to the State Superintendent, outlined the Nevada Administrative Code chapters for proposed amendments relating to the [Definition of Other Staff Who Work Under the Direct Supervision of the Principal](#).

Ms. Gonzales noted that this item seeks to define other staff who work under the direct supervision of the principal found within subsection two of NRS 388G.610

[Public comment]

Chris Daly, Nevada State Education Association, provided public comment regarding agenda item 4. (A complete copy of the statement is available in Appendix A).

[Workshop adjourned at 3:18 P.M.]

5. 3:15 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 388G.XXX – WHICH PERTAINS TO NON-COMPLIANCE REGULATORY LANGUAGE DEEMED NECESSARY BY THE STATE BOARD OF EDUCATION TO CARRY OUT THE PROVISIONS OF NRS 388G.500 THROUGH 388G.810, INCLUSIVE.

[Workshop called to order at 3:18 P.M.]

[Presentation]

Felicia Gonzales, Consultant to the State Superintendent, outlined the Nevada Administrative Code chapters for proposed amendments relating to [Non-Compliance and Consequences](#).

Ms. Gonzales noted that this item labeled as Non-Compliance and Consequences, seeks to outline a progressive or gradual policy if the large school district is not in compliance with NRS 388G.500-810.

[Public comment]

Ken Paul, Principal, W. Mack Lyon Middle School, provided public comment regarding agenda item 5. (A complete copy of the statement is available in Appendix A).

[Workshop adjourned at 3:20 P.M.]

6. PUBLIC COMMENT #2

No public comment.

7. ADJOURNMENT

Workshop was adjourned at 3:21 P.M.

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

1. Kellie Kowal-Paul, Chief Strategy Officer, Clark County School District, provided public comment regarding NRS 388G.
2. Rex Rivers, Teacher, Clark County School District, provided public comment regarding NRS 388G.
3. Wendy Mulcock, community member, provided public comment regarding NRS 388G.
4. Chris Daly, Nevada State Education Association, provided public comment regarding agenda item 4.
5. Ken Paul, Principal, W. Mack Lyon Middle School, provided public comment regarding agenda item 5.

APPENDIX A, ITEM 1: KELLIE KOWAL-PAUL

Good Afternoon. My name is Kellie Kowal-Paul, and I am the Chief Strategy Officer for the Clark County School District.

The Clark County School District has substantially complied with the provisions of NRS 388G and disputes the defamatory rhetoric that declares the District “in open defiance of the legislature.”

- The District continues to work toward compliance envisioned in the 2018 Joint Implementation Plan. We worked collaboratively with the former superintendent of public instruction to confirm progress and refine interpretation.
- 2020 and 2021 turned attention to pandemic response at the District and the State level. We provided our annual report to the Governor, State Superintendent, the Legislature, and this Board in September of 2021.
- More recently, the District responded comprehensively to written requests for information received from the current State Superintendent. Last month, we submitted our assessment of compliance with both the initial actions from the Joint Implementation Plan, and also with the “items to be resolved” that the Department presented to this board in 2021. As of yet, we have received no response.
- To date, there has been no notice from the Department that the District has refused to comply that warrants the proposed regulations.

The narrative that the District is purposefully out of compliance is not only false, but counter to the relationship that the District has had with the Department. This rhetoric has fueled the development of proposed regulations that represent an overreach beyond the authority of this Board. Under Nevada law, the proposed regulations conflict with:

- The authority of the Nevada legislature to mandate dispute resolution processes, establish consequences for statutory compliance, impose financial obligations, and determine requirements for Boards of School Trustees.
- The authority of Boards of School Trustees to set their own agendas, oversee collective bargaining, and participate in training.
- The authority of principals of local school precincts related to school organizational teams.

Finally, Nevada law requires that agenda items contain a “clear and complete statement of the topics scheduled to be considered during the meeting.” Agenda item 3 regarding dispute resolution includes underneath it additional components unrelated to the dispute resolution process. The individual Notice of Workshop mentions nothing about the additional components.

In addition to this notice irregularity, some of the proposed regulations on today’s agenda are founded on false assumptions and are arbitrary and capricious.

APPENDIX A, ITEM 2: REX RIVERS

My name is Rex Rivers and I'm a teacher in CCSD. I would like to comment on this item that I'm very thankful. Thank you all for NDE for the work that you have done so far to draft these regulations to force CCSD to comply with the reorg law and I just want to please ask you that you would go forward with these regulations as they have been drafted and they'd be approved as they are written. I know CCSD is going to send their people and their lawyers to try to say that they're in compliance and this is what CCSD always does. They give the appearance that they're in compliance with the law. They're very good at giving the appearance that they are in compliance but they're actually not. They continue to operate on a very centralized model that keeps decision making at the top with the Superintendent and Board of Trustees and Regional Superintendents. It does not allow our SOT teams at the local school level and our principals to have the autonomy that the reorg law was designed to let them have and it's very important that we put some teeth in place so that this is enforced at CCSD especially because for years and decades they have operated on a very centralized model. They're not going to let go of this power unless we force them to. So, we've really got to make sure there are people in place here at the district from NDE who can make sure that they follow the reorg law exactly as it's written in the law. They've been breaking the law for years and we need them to stop. They're going to continue trying to get away with it if they can by presenting themselves of it as if they are because that's what they do. They appear to be in compliance when they are not. I can give you a long list of examples about local principals and local SOTs do not have decision making over the funding and they know the students best. The communities are unique. Every community is unique. We have small communities, we have big schools in Las Vegas and the people at the school, the teachers, the parents, the community members, the principal on the SOT team are the ones who know those students the best and what they need. Please force CCSD to abide by the reorg law now. It's now or never. We really can't let them get away with this anymore. They've gotten away with it too much in the past. Please draft these regulations as they are written and make sure that they go forward and be approved so that finally the reorg law can be followed here at CCSD and no longer danced around and made to a centralized model. As CCSD has always gotten away with. We've got to let the funding decision be at the local level like the reorg law requires. Thank you.

APPENDIX A, ITEM 3: WENDY MULCOCK

My name is Wendy Mulcock. In the past 29 years, as we experienced the educational processes of all 5 of our children and currently, 4 grandchildren, We have become completely disgusted and frustrated by CCSD's increasing dysfunctional ability to provide a quality education for children. We've watched laws be broken, children's needs be marginalized, abuse of teachers, parental voices ignored and so many more infractions.... All perpetrated with zero accountability or consequences.

We believe the best way to right these wrongs is decentralization. Therefore, I support any and all new and/or revised regulations that will decentralize CCSD's current exclusive decision making controls. This would also include finance/spending decisions.

There are very few wide sweeping decisions that apply to one hundred percent of all students and every school in this enormous district, yet that is, currently, how decisions are made. We have experienced that most policy created in the name of "equity", actually creates inequity for all.

Decision making abilities need to be given to individual precincts, ie: on site Administrators and their SOTs. This will benefit everyone.

Providing a personalized education can only occur when decisions are made closest to each individual student. This is the best way to help students achieve their maximum potentials.

Thank you for your laser focus in formulating and expediting immediate solutions to longstanding serious issues regarding children's education within the Clark County School District.

APPENDIX A, ITEM 4: CHRIS DALY

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. We are submitting comments related to item #4, proposed amendments to NAC Chapter 388G.XXX – which pertains to regulatory language that defines “other staff who work under the direct supervision of the principal” within NRS 388G.610.

In the current 55-page Negotiated Agreement between the Clark County School District and ESEA, nearly 8 pages are dedicated to the issue of reassignment, either due to a surplus or a reduction in force. This language has been negotiated and agreed to by the parties to give the district the flexibility it needs to operate schools, while also protecting the rights of workers. We believe this process is superior to other processes which could invite unfairness, discrimination, or even corruption and nepotism.

NSEA is in agreement with the April 25th letter submitted to the Nevada State Board of Education from Dyer Lawrence that stated, “By using the word ‘direct’ in the manner it did, the Legislature plainly state that the principal of a local school precinct has the selection authority only over the support staff employees that the principal ‘directly supervises,’ meaning there is no intervening supervision by another CCSD employee.” The proposed draft regulation language being considered would make this selection authority applicable to nearly all education support professionals at a school site, disrupting the carefully balanced reassignment process at the Clark County School District, harming union rights, and violating the plain meaning of the law.

Instead, NSEA is strongly recommending language submitted by the Education Support Employees Association. This would define “other staff who work under the direct supervision of the principal” as “***support staff employees who report directly to the principal without any intervening supervisor or evaluator. In a typical school setting, examples of such employees would include, but not necessarily be limited to a school office manager, a head custodian, and a building manager.***”

Thank you.

APPENDIX A, ITEM 5: KEN PAUL

When NDE & Board of Ed asked for a **site-based**, as well as a central-based perspective on the status of implementation of the decentralized model (NRS388G.500-810) - **the magnitude of change still needed came into focus.**

Please know that it is incredibly difficult to privately, and especially publicly, call out the lack of decentralization of decision making and money within CCSD.

A decentralized governance model takes a high level of trust. Trust in principals. Trust in local SOTs, trust in teachers, trust in support staff, trust in communities. There will be some missteps along the way. But, is the end game worth the effort? I believe it is.

I often repeat the following: When more decision making and money are truly closer or in the schools and communities, **academic achievement** and **operational efficiency** will go up.

I want to repeat that one more time: When more decision making and money are truly closer or in the schools and communities, **academic achievement** and **operational efficiency** will go up.

It is worth the effort. It is worth the change. Please move these draft regulations forward.