

Assembly Bill 469 (2017) Implementation

Mark Newburn
Vice President
Nevada State Board of Education

Felicia Gonzales
Deputy Superintendent
Educator Effectiveness and Family Engagement

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AB 469 Background

- In 2015, the Nevada Legislature passed AB 394 reorganizing the Clark County School District (CCSD), providing principals with increased control over schools and budgets
- Through some operational challenges, political and legal actions, and finally the passage of AB 469, CCSD continued to work on the reorganization
- AB 469 required implementation of the reorganization for the 2017-2018 school year
- The Nevada Superintendent of Public Instruction was given specific authority over monitoring the implementation of the reorganization
 - Additionally, under 388G.590 the *“State Board shall adopt such regulation as it deems necessary and appropriate to carry out the provisions of NRS 388G.500 to 388G.810”*

AB 469 Background Continued

- Following the passage of AB 469, the Nevada Superintendent of Public Instruction deemed it necessary and appropriate to require a joint development of an implementation plan that attended to specific sections of AB 469
- The Nevada Superintendent of Public Instruction identified six sections of AB 469 to be addressed by CCSD:
 - Authority to select school staff
 - Assignment of central staff to schools
 - Allocation funds to schools
 - Purchase of equipment, services, and supplies available from the District by schools
 - School carry forward of year-end balance
 - Weighted per-pupil funding
- On April 3, 2018, CCSD released its 2018 PLAN FOR THE IMPLEMENTATION OF ACTIONS TO FINALIZE COMPLIANCE WITH ASSEMBLY BILL 469 (2017)

Recent Implementation Concerns

- Placement of licensed and qualified teachers in vacant classrooms, specifically the authority to select staff
- Purchasing of equipment, services, and supplies available from the District by schools
- School carry forward of year-end balances

Placement of License and Qualified Teachers in Vacant Classrooms

Two conflicting claims:

- CCSD's Teacher Lottery during the Involuntary Transfer/Surplus Process and CCSD's resulting forced placements of the Unselected Teachers at local school precincts are not permitted under AB 469/388G.610 and CCSD has yet to meaningfully transfer site-based decision-making authority to local schools
- Principals are citing their right to hire staff under NRS 388G.610, vacant positions are being filled by substitutes, and there is an alleged emerging practice that discriminates against older licensed educators and, in some cases minority educators

Authority to Select Staff

AB 469 Section 16.2/NRS 388G.610, Subsection 2

“The Superintendent shall transfer to each local school precinct the authority to carry out the following responsibilities: (a) select for the local school precinct the: (1) Teachers; (2) Administrators other than the principal; and (3) Other staff who work under the direct supervision of the principal.”

Superintendent of Public Instruction Findings

“Current collective bargaining agreements are inconsistent with the law and the collective bargaining agreement(s) being negotiated with the District now will need to remedy the inconsistencies.”

Authority to Select Staff Continued

Attorney General Opinion

“...Nevada’s statutes do not allow a district to assign a teacher to a local school precinct without the consent of the local school precinct. A.B. 469 delegates to local school precincts the authority to select teachers for assignment to those precincts, and large school districts have no ability to bargain that authority away. Any provision in a collective bargaining agreement executed after the effective date of A.B. 469 which would waive or modify a local school precinct’s authority to select teachers for assignment to the precinct would be unenforceable at the precinct.”

NRS 388G.610, Subsection 4

“To the greatest extent possible, the principal of a local school precinct shall select teachers who are licensed and in good standing before selecting substitutes to teach at the local school precinct. The principal, in consultation with the organizational team, shall make every effort to ensure that effective licensed teachers are employed at the local school precinct.”

Purchase of Equipment, Services, and Supplies Available from the District by Schools

Claims:

- On or before January 15, 2020, the superintendent did not determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 related to a data dashboard.
- CCSD did not notify local school precincts by January 15, 2020 of a service, specifically a data dashboard, that a local school precinct may obtain from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and supplies
- CCSD notified local school precincts on September 4, 2020, of a service, specifically a data dashboard, that a local school precinct may obtain from the large school district

Authority for Purchasing of Equipment, Services, and Supplies Available from the District by Schools

AB 469 Section 17.1/NRS 388G.650, Subsection 1

“On or before January 15 of each year, to assist the local school precincts in preparing their budgets for the next school year, the superintendent shall establish and make public:

(b) A list of equipment, services and supplies that a local school precinct may obtain from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and supplies. The cost of such equipment, services and supplies must not exceed the actual cost to the large school district to provide the equipment, services and supplies to the local school precinct.”

Authority for Purchasing of Equipment, Services, and Supplies Available from the District by Schools Continued

NRS 388G.610, Subsection 7

“On or before January 15 of each year, the superintendent shall determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 to recommend transferring to one or more local school precincts. Such authority may include the authority to carry out any of the responsibilities listed in subsection 3 which is not prohibited by law, other than the responsibility for capital projects, if it is determined that transferring the authority will serve the best interests of the pupils. The recommendation to transfer authority to one or more local school precincts must be submitted for approval by the board of trustees of the large school district. The board of trustees of the large school district shall consider such a recommendation and determine whether to approve the transfer of additional authority at its next regularly scheduled meeting if submitted within 5 working days before the next regularly scheduled meeting and otherwise the recommendation shall be considered at the following meeting.”

School Carry Forward of Year-end Balance

Claims:

- CCSD schools forwarded \$67 million in 2018-2019 and \$142 million in 2019-2020
- The major source of carryover dollars is salary savings
- Carrying forward \$67 million in 2018-2019 and \$142 million in 2019-2020 is not what the law intended
- Money should be spent on student instruction and support

AUTHORITY SCHOOL CARRY FORWARD OF YEAR-END BALANCE

AB 469 Section 17.2/NRS 388G.650, Section 2

“Each local school precinct must carry forward its year-end balance to the next school year for use by the local school precinct. The large school district must account for any such amount that is carried forward as a restricted fund balance.”

Superintendent of Public Instruction Findings

“The District released Strategic Budget Workbooks for the 2018-2019 school year on January 16, 2018. The District did not include any restricted fund balance resulting from previous year staff vacancies in Strategic Budget Workbooks. Furthermore, District officials have indicated, in the media and elsewhere, that the District intends to start the practice required by Section 17.2 of the law in the 2018-2019 budget cycle so that the effects can be felt on school budgets in the 2019-2020 school year.”

Board Authority

Under NRS 388G.580, each large school district (CCSD) shall cooperate with the Superintendent of Public Instruction in carrying out the provisions of [NRS 388G.500](#) to [388G.810](#), inclusive, including, without limitation, by providing any financial or other information requested, including any information requested to ensure that the intent of the provisions of [NRS 388G.500](#) to [388G.810](#), inclusive, is carried out.

For Discussion and Possible Action

Determine a CCSD information request, which may include any other information deemed necessary by the Superintendent of Public Instruction with the authority.

The information request may include, but is not limited to:

- Provide details on the Teacher Lottery utilized during the recent Fall Licensed Involuntary Transfer/Surplus process and provide its alignment to AB 469 or 388G.610.
- What changes were made to each employee association collective bargaining agreements to conform to AB 469?
- How is CCSD accounting for any such amount that is carried forward as a restricted fund balance?
- Did CCSD, on or before January 15, 2020, make public a list of equipment, services and supplies that a local school precinct may obtain from the large school district?

QUESTIONS

Felicia Gonzales, Deputy Superintendent
Educator Effectiveness & Family Engagement
fgonzales@doe.nv.gov