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GUIDANCE MEMORANDUM 26-17

TO: All School District Superintendents and Charter Sponsors

FROM: Dr. Victor Wakefield, Superintendent, Office of the Superintendent of Public Instruction *VW*

DATE: September 29, 2026

SUBJECT: Processes for Designating Focus or Priority Districts – Exceptional-Case Designations

BACKGROUND

Senate Bill 460 (SB460) passed during the 2025 Legislative Session introduced two district accountability tracks, which may result in a “focus” or “priority” designation. The first is based on low ratings or missing achievement targets related to the Nevada District Performance Framework (NDPF); the second is an exceptional-case pathway, which is the subject of this memorandum.

EXCEPTIONAL-CASE DESIGNATIONS

Pursuant to NRS 385A.915(1)(b) and 385A.915(1)(c), there are five triggers that may activate an exceptional-case designation:

- 1) Leadership instability or unsatisfactory performance that results in significant impacts on operations or student outcomes;
- 2) Board instability that disrupts the continuity of leadership and impacts the ability to govern;
- 3) Unexpected financial hardship, malfeasance, or mismanagement that threatens fiscal stability and operational capacity;
- 4) Demonstrated systemic inequity in educational access, resources, or outcomes among specific groups of pupils; or
- 5) Declaration of emergency due to noncompliance.

The Nevada Department of Education (Department) has developed a set of definitions to guide the evaluation of circumstances that may result in such a designation.

Term	Definition
Materiality	Materiality means the quality or state of being significant, relevant, or important enough to influence a decision or practical outcome.
Malfeasance	Malfeasance means the intentional commission of an act that is illegal, wrongful, or harmful.
Mismanagement	Mismanagement means negligent, incompetent, or poor control and management of an organization, resource, or system.
Operations	The core daily activities, processes, and workflows of an organization.

Term	Definition
Student Outcomes	Measures for the academic achievement, knowledge, skills, opportunities, and success of students.
Governance	The framework of rules and practices and their enactment by leadership to ensure accountability, transparency, fairness and inclusiveness, and compliance.
Systemic Inequity	Disparities in resources or opportunities that result from discriminatory practices.

When evaluating circumstances that may result in an exceptional-case designation, the Department shall:

1. Identify the circumstance(s) triggering the evaluation;
2. Establish the materiality of the circumstance and identify the impact of those circumstances on operations, student outcomes, and/or governance;
3. Identify whether there has been legal noncompliance or systemic inequities;
4. Evaluate whether those impacts were a result of malfeasance, mismanagement, or other circumstance; and
5. Determine whether a “focus” or “priority” designation is applicable.

School districts and charter sponsors will be notified if or when the Department begins an evaluation for an exceptional-case designation and will have an opportunity to discuss the results of such an evaluation with the Department prior to designation. The intent of the Department is for any designation resulting from an exceptional case to be transparent, aligned with guidance, and mutually understood by the applicable leadership of the district or charter sponsor and the public.

Examples of circumstances that may trigger an exceptional case include, but are not limited to:

Trigger	Criteria	Examples
Leadership Instability	• Implementing policies that violate state or federal law • Mismanagement of resources or systems	• Negative impacts on consistent school operations (i.e., ineffective staffing or hiring practices) • Loss of federal funding or services • Dismissal of superintendent without cause or providing rationale
Board Instability	• Inability to meet quorum or maintain membership for a prolonged/persistent period • Inability to reach consensus and conduct business	• Operational and governance impacts, such as extended leadership vacancies; failure to conduct daily business, such as contract approvals, curriculum and textbook choices, adoption of administrative regulations, etc. (i.e., unable to approve a vendor for school lunches resulting in no meals for elementary schools)
Financial Hardship	• Embezzlement, unvouched/improper spending, or fraud • Mismanagement of systems or resources	• Payroll is not processed; egregious audit findings; loss or theft of state or federal funds (i.e., school bus drivers are not paid and go on strike, resulting in students being unable to get to school) • District fails to develop or make reasonable progress on a corrective-action plan required by an authorized oversight entity (e.g., Department of Taxation’s Committee on Local Government Finance)
Systemic Inequity	• Discriminatory allocation of resources to schools based on demographics, location, or other	• Students are not provided equal opportunities for academic success (i.e.,

Trigger	Criteria	Examples
	Policy changes that disproportionately impact certain groups or categories	program funding is reduced for principals opposing a policy change)
Noncompliance	Violations of state or federal law and failure to respond within 60 days with a corrective action plan	- Increased risk due to continued noncompliance - Financial and legal ramifications to include impacts to student outcomes

Upon designating a district or charter sponsor as “focus” or “priority”, the Public Education Oversight Board shall convene to review and approve any Department-proposed interventions.

CONCLUSION

Should you have any questions regarding this guidance, please contact Tom Greene, Chief Strategy Officer, via superintendent@doe.nv.gov.

Attachment(s): District Accountability Designations

Mandatory Focus School Designation

(NRS 385A.915(1)(a))



Failure to meet the district-wide or sponsor-wide achievement targets and performance targets	OR	Rated one of two lowest rating in the statewide system of accountability for public schools
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Department designates school district/charter sponsor a “focus” school district/charter sponsor



Department proposes tiered interventions



PEOB impaneled and approves interventions



Annual evaluation/rating per statewide system of accountability



If the district/charter sponsor is still failing to meet targets or receives another lowest two ratings and exceptional-case circumstances are NOT present	If the district/charter sponsor is still failing to meet targets or receives another lowest two ratings AND an exceptional case circumstance is present OR The district/charter sponsor has had the focus designation for 2 consecutive years	If targets met and rated higher than the lowest two ratings
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Keep focus designation and repeat cycle for another year.	Designate it a priority school district/charter sponsor.	Remove focus designation
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Discretionary Exceptional-Case Focus School Designation

(NRS 385A.915(1)(b) & (c))



Leadership instability or unsatisfactory performance that results in significant impacts on operations or student outcomes.	Multiple board vacancies that disrupt the continuity of leadership and impacts the ability to govern.	Unexpected financial hardship, malfeasance, or mismanagement that threatens fiscal stability and operational capacity.	Demonstrated systemic inequity in educational access, resources, or outcomes among specific groups of pupils.	A state of emergency for the school district/charter sponsor is declared because of material noncompliance with state law.
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Annual evaluation/rating per statewide system of accountability



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Keep focus designation and repeat cycle for another year	Designate it as a priority school district/charter sponsor	Remove focus designation
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