

## MEDIATOR FOR THE ASSURANCE OF DISTRICT COMPLIANCE WITH LEGAL PROVISIONS OF NRS 388G (AB 469)

This is a call for the establishment of a mediator, appointed by the Nevada Superintendent of Public Instruction, to ensure the Clark County School District's compliance with 388G (AB 469).

Sec. 33. 1 of AB 469 states: "The Superintendent of Public Instruction shall take such actions as deemed necessary and appropriate to ensure that each large school district carries out the reorganization of the school district in accordance with sections 2 to 34, inclusive, of this act and any regulations adopted pursuant thereto." I believe the "actions...necessary and appropriate to ensure that each large school district carries out the reorganization of the school district in accordance with sections 2 to 34, inclusive, of this act and any regulations adopted pursuant thereto..." can best be done with a mechanism of mediation when compliance comes into question.

I have questions as to the Clark County School District's legal compliance with the 388G (AB 469) Section 1- 34 in the following areas: 16.1, 16.2, 16.3, 16.5, 16.6, 17.2, 18.1, 18.2, 19.3, 22.1. Two recent Board of Trustee actions has made abundantly clear that they have no intention of complying with the law as written. When ask to approve the moving of funding and responsibility for custodial services to the local school precincts the trustees voted no. At a recent Board meeting the trustees voted to reduce the number of School Associate Superintendents from 16 to 14. This action if carried out will put the District in violation of Section 22.1.

The present reduction in force policy of the School District does not allow the local School Precinct any authority in appointing the teachers, vice-principals or deans that are moved during a reduction in force program. Further, in the selection process presently in force neither the SOT nor local principal selects the individual who fills the position of Vice-Principal or dean. While the SOT and principal may advise and narrow the field the final decision is left to School Associate Superintendent. That is a clear violation of 16.1-3.

When a local school precinct requested an upgrade from swamp coolers to air conditioning of an old elementary school they were granted the upgrade but were told they would have to fund it from their existing school strategic budget. When a high school asked for an upgrade from a home economic kitchen to a commercial kitchen to enhance a vocational program, again they were granted that permission to do so. However, once again they were told they would have fund it from their strategic budget. Both of these are instances of where CCSD is unwilling to follow the law under provisions of 16.5 and 16.6 of (AB 469).

In developing AB 469 the Clark County School District insisted that all position at the local school precinct be funded based on an average of that position throughout the district. The District determines what those positions are and the local school precinct strategic budget is for the most part determined by the number of each of those position allotted to a school precinct. If those positions are unfilled or under filled the money should still be in the strategic budget and belong to the local school precinct. This was the very issue resolved in one of the earliest meetings of the Committee on Reorganization to the tune of \$75,000,000 in funds denied for the

most part affecting inner city schools. The term used for these dollars is "attrition" dollars. According to a letter from the Executive Director of the CCASA, to CCSD Board of Trustees, dated September 5, 2017 CFO Jason Goudie has stated that the district has already spent \$65.5 million of the attrition dollars for this year. This money if not spent by the local school precinct should appear as carry over dollars in the local school strategic budget. The confiscation of this money by Central Administration is a violation of Section 17.2.

The District's failure to comply with 18.1-2 is probably the clearest violation NRS 388G (AB 469). There is no way to deny that the CCSD failed to allocated 80% of unrestricted funds to the local school precinct. The trustee's unwillingness to transfer responsibilities and funds for other areas of administration to the strategic budgets of the local school precincts will make it impossible for the District to comply with the 85 -15% requirement of AB 469 for the 2018-19 school year.

The District has not, as of this date, established a weighted per pupil funding based on the categorical funding listed in 19.1.

The Clark County School District has refused to comply with the proportionality of funding for rural schools as required by 19.3. After numerous requests, including that of the Chairman of the Committee to Implement the Reorganization of CCSD, a member of the Technical Advisory Committee and a SOT committee representative the district has failed to reveal a formula that would fund the rural local school precincts properly under AB 469. Using a textbook definition of proportionality and districts figures for per pupil strategic budgeting across the district a rural school found that their strategic budge was proportionally underfunded. In a meeting with the Superintendent, The CFO, the Chief Academic Officer, the School Associate Superintendent, and the Principal; the principal was told he would receive funding at the actual cost of the teacher. This was a violation of the law that requires the position to be funded at the average cost of the position. It was later corrected to meet that requirement, but this illustrates the District officials disregard for the law.

In a recent meeting of the Board of Trustees the Board voted to eliminate a School Associate Superintendent position. Earlier, upon the resignation of a School Associate Superintendent, it was decided not to replace that SAS but to restructure the District from 16 to 15 performance zones each under an SAS. The elimination of a further SAS brings the total of SAS to 14. This means that each SAS would supervise at least 26 local school precincts. Fourteen SAS would violate Sec. 22.1 which requires that no SAS would supervise more than 25 local school precincts. Once again, the District's answer is "we read the law differently". However, the law is specific in that each school is a local school precinct. AB 469 is further explicit that the supervision of the SAS is over local school precincts not over principals.

#### CONCLUSION:

The district's answer to all of these issues is that "we interpret the law differently". Which means the only answer to the questions is through the legal system. The District sits comfortably behind their one-million-dollar law firm and their three-million-dollar legal budget and challenges those who disagree with them to take them to court. I do not believe this is a healthy way to solve the legal meaning of AB 469. I believe this can best be done by the Superintendent of Public

Instruction establishing a means by which the legal differences can be quickly adjudicated through an appointed mediator.

Respectively submitted,

Dr. Larry R. Moses

## ATTACHMENT A

Sec. 16.1 Except as otherwise provided in this section, the superintendent shall transfer authority to each local school precinct to carry out responsibilities in accordance with this section and the plan of operation approved for the local school precinct.

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.

Section 16.5 If a large school district is unable to provide any necessary maintenance or repair of the buildings or grounds of a local school precinct in a timely manner, the large school district must, at the expense of the large school district, procure any equipment, services and supplies necessary from another entity or business to provide such maintenance or repair for the local school precinct or take any other necessary action.

Section 16.6 To the extent that any member of the staff of central services is assigned to provide services at a local school precinct on a temporary or permanent basis, the decision regarding the assignment and any subsequent reassignment of the member of the staff must be made in consultation with the principal of the local school precinct and the school associate superintendent.

Section 17.2 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.

Section 18.1-2 The estimated percentage of the amount of money determined pursuant to paragraph (a) to be unrestricted that will be allocated to the local school precincts. The percentage must equal: (1) For the first school year in which the large school district operates pursuant to the provisions of sections 2 to 34, inclusive, of this act, not less than 80 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year; (2) For each subsequent school year, 85 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year.

Sec. 19. 1. The amount of money allocated to a local school precinct by the large school district must be determined on a per pupil basis by assigning a category to each pupil and assigning weights to each category in a manner that provides a greater amount of funding for each pupil who belongs to certain designated categories. Except as otherwise provided in subsections 2 and 3, the categories for which a greater weight must be assigned must include, without limitation: (a) Pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq. or a similar alternative measure prescribed by the State Board of Education; (b) Pupils who are English learners; (c) Pupils with disabilities; and (d) Gifted and talented pupils.

Section 19.3 Except if a specialty school is proportionally reduced in size in the manner

authorized pursuant to section 15 of this act, the weights and categories assigned pursuant to this section must ensure that any specialty school or rural school that exists on the effective date of this act or before the school district becomes a large school district continues to receive not less than the proportionally larger amount of money that was used to fund the specialty school or rural school before those dates.

Sec. 22. 1 The superintendent shall assign a school associate superintendent to oversee each local school precinct. Each school associate superintendent must not be assigned to oversee more than 25 local school precincts.