

CLARK COUNTY SCHOOL DISTRICT
2018 PLAN FOR THE
IMPLEMENTATION OF ACTIONS TO
FINALIZE COMPLIANCE WITH
ASSEMBLY BILL 469 (2017)
REVISION 2

March 15, 2018

Revised April 3, 2018



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The 2018 Plan for the Implementation of Actions
to Finalize Compliance with Assembly Bill 469 (2017)

was developed by the

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PREFACE

Every family in Clark County deserves access to a high-quality public education in their neighborhood, and the Board of School Trustees has stated that focused support, preparation, training, and resources for staff in the schools is imperative for student learning. Clark County School District is working to deliver on this promise by building a system of great schools.

Schools are at the center of all of our efforts. We are empowering schools with resources and decision-making authority to meet the individual needs of students, and in return aligning accountability and support for accelerating student outcomes with schools. Our role is clear: ensure high standards for performance, empower and support educators, and ensure equitable access and meaningful accountability that is focused on progress on student learning, every day, in every classroom.

We are driven by the urgency and opportunity of this moment in time in Clark County and are excited to partner with families and community to make this vision a reality.

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INTRODUCTION

The implementation of the reorganization of the Clark County School District (CCSD) has been in progress since 2016. On Friday, July 1, 2016, the Legislative Advisory Committee unanimously approved a working plan to reorganize the Clark County School District. The plan, developed by the Legislative Advisory Committee with support from their consultant, centered on decentralization of operations and increased autonomy for schools. The Clark County School District began implementation of various aspects of the plan immediately.

Through some operational challenges, political and legal actions, and finally the passage of Assembly Bill (AB) 469 (2017), the District continued to work on the reorganization. AB 469 requires implementation of the reorganization for the 2017-2018 school year. Given specific authority over monitoring the implementation of the reorganization in AB 469, Nevada Superintendent of Public Instruction Dr. Steve Canavero communicated with the Clark County School District to determine compliance with the law and identified six areas for which compliance was not complete. He stated in a letter to Superintendent Pat Skorkowsky on February 2, 2018:

I recognize the significant progress the Clark County School District (District) has made related to implementing A.B. 469, however more work remains for the District to carry out the reorganization in accordance with the law. As such, I deem it necessary and appropriate at this time to require the joint development of an implementation plan that, at a minimum, attends to specific sections of A.B. 469 noted below. Please accept my pledge of continued collaboration as we work together to address the issues and chart a clear path forward in the identified areas noted in this letter in an implementation plan. The complexity and scale of the change required by A.B. 469 and the timelines by which the work is to be accomplished present formidable challenges to the District. Enumerating the accomplishments thus far is beyond the scope of this letter which focuses our attention on the remaining work, but the significant progress made by District staff and the Board is recognized and why an implementation plan, at this time, is appropriate.

—Steve Canavero, Ph.D.

For each of the six areas described in the February 2 letter, this document includes references to the law, findings by Superintendent Canavero, Attorney General opinions, and any other applicable references,¹ followed by a detailed plan of corrective action and an evaluation plan:

1. Authority to select school staff
2. Assignment of central staff to schools
3. Allocation funds to schools
4. Purchase of equipment, services, and supplies available from the District by schools
5. School carry forward of year-end balance
6. Weighted per-pupil funding

The following summarizes the planned actions to become and remain compliant with AB 469.

¹ References are included in the appendix.

Summary of Planned Actions

Authority to select school staff	<ol style="list-style-type: none"> 1. Continue to utilize processes agreed upon in existing negotiated agreements. 2. Propose changes to applicable sections of employee agreements currently in negotiation. 3. Communicate change(s) in negotiated agreements with principals and staff.
Assignment of Central Staff to Schools	<ol style="list-style-type: none"> 1. Review and, if appropriate, establish mechanisms by which principals are consulted for the assignment of staff to schools to provide services not documented within a Service Level Agreement (SLA).
Allocation of funds to schools	<ol style="list-style-type: none"> 1. Develop Service Level Agreements for items transferred on January 11, 2018, for implementation in the 2018-2019 school year. 2. Develop an overarching, repeatable annual cycle for Service Level Agreement development that includes opportunities for feedback, review, and iterative process improvement. 3. Ensure the adjusted allocations to schools based on actual fall enrollment total at least 85 percent of unrestricted funds included in the FY19 Final Budget and the FY19 Amended Final Budget. 4. Prepare and publish an addendum to the Section 18 report that illustrates school allocation adjustments.
Purchase of equipment, services, and supplies available from the District by schools	<ol style="list-style-type: none"> 1. Include in SLAs the estimated cost to schools for the equipment, services, and supplies that the agreement represents, based on the budget available at the time of the estimates. 2. Include the SLAs in the School Program Planning and Budgeting Guide, which is available to the public. 3. After the annual audit of final budget is completed, expected annually in November, ensure that the cost to schools for the equipment, services, and supplies that the agreement represents does not exceed the cost to the District to provide that service.
School carry forward of year-end balance	<ol style="list-style-type: none"> 1. Beginning with the budget for fiscal year 2019, discontinue the practice of budgeting estimated in advance potential savings from lower than budgeted payroll costs in school budgets into other positions, programs, services, and supplies throughout Central Services and schools. 2. For the 2018-2019 school year and beyond, budget for the expectation that schools will either spend all allocated dollars or carry forward those dollars into the next school year.
Weighted per-pupil funding	<ol style="list-style-type: none"> 1. For the 2018-2019 school year, continue the practice of funding schools by aligning resources used at the school sites with student enrollment and staffing ratios as established in the District's Comprehensive Annual Budget Report. 2. Continue to work with the Nevada Department of Education and others toward the development of a model for funding schools that is based on pupils, rather than full-time equivalents.

AUTHORITY TO SELECT SCHOOL STAFF

REFERENCES

AB 469 Section 16.2

“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.”

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.”

ANALYSIS AND PLAN OF ACTION

Because the currently in place agreements were executed before the authorization of AB 469, current practices in terms of placement of staff negotiated in these agreements must be followed until new contracts are executed.

All current employee agreements are currently being negotiated. Because all of these agreements will have been executed after the effective date of AB 469, the Attorney General’s Opinion specifies that all of the agreements will require changes to conflicting sections for those sections to be enforceable at the school. To become and remain compliant with AB 469, the following actions will be taken:

1. Continue to utilize processes agreed upon in existing negotiated agreements.
2. Propose changes to applicable sections of employee agreements currently in negotiation.
 - a. Complete a thorough review of the negotiated agreements for the following employee groups to determine areas that potentially conflict with AB 469 Section 16.2:
 - i. Clark County Association of School Administrators and Professional Technical Employees
 - ii. Clark County Education Association
 - iii. Education Support Employees Association
 - iv. Clark County Police Officers Association
 - b. Form a position in collective bargaining that the Collective Bargaining Agreements (CBAs) do not conform with the law.
 - i. Work with appropriate stakeholders, including but not limited to representatives of employee associations and District staff, to develop a framework that lays out agreed upon principles to guide negotiations by May 1, 2018.
 - c. Work with employee associations toward revisions to agreements that would conform to the requirements of AB 469.

- d. Should a negotiation proceed to arbitration and that arbitration result in a decision of the arbitrator that conflict with AB 469 Section 16.2, determine actions to be taken.
3. Communicate change(s) in negotiated agreements with principals and staff.

EVALUATION

To ensure the plan of action listed in this section has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization, the following actions will be taken:

1. Ensure that employee contracts executed after the authorization of AB 469 comply with the following criteria:
 - a. Principals have the authority to select all staff for their school.
 - b. No portion of any employee agreement allows for the placement of an employee into the school, under the supervision of the principal, without the principal having selected that employee.
 - c. Newly negotiated placement processes do not jeopardize compliance with other sections of AB 469 or other laws.

ASSIGNMENT OF CENTRAL STAFF TO SCHOOLS

REFERENCES

AB 469 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.”

Superintendent of Public Instruction Findings

“...the Department can find no evidence that this portion of the law has actually been addressed in a way that is consistent with the decentralized and autonomous site-based operational model required by AB 469.”

ANALYSIS AND PLAN OF ACTION

CCSD delivers central services to schools through a variety of different mechanisms, many of which are subject to federal or state law, CCSD regulation, or collective bargaining agreement.

On January 11, the CCSD Board of School Trustees directed the Superintendent to transfer the funding associated with more than 30 central services to local school budgets. The Board also directed the Superintendent to develop service level agreements (SLAs) for these services.² As of the writing of this plan, SLAs are being developed with input from school associate superintendents and principals. The process surrounding SLAs will be discussed at length in later parts of this Plan, but in creating SLAs, CCSD has created an opportunity to consult principals and school associate superintendents on staffing decisions related to the agreement.

Not all assignments of central office staff to schools will be covered under SLAs.

CCSD already has several procedures in place to consult principals and school associate superintendents when making staffing decisions related to these services, but a review of these practices is necessary to ensure compliance with AB 469.

To become and remain compliant with AB 469, the following actions will be taken:

1. Review and, if appropriate, establish mechanisms by which principals are consulted for the assignment of staff to schools to provide services not documented within a Service Level Agreement.
 - a. Determine the scope of the task by identifying employees within each unit, division, and department that are assigned to schools on a temporary or permanent basis to provide services, by May 1, 2018.
 - b. Categorize the types of positions (those both included in and excluded from SLAs) to develop best methodologies by category, by June 1, 2018.
 - c. For each category, determine appropriate processes for assignment of staff in consultation with the principal, by July 1, 2018.
 - i. For positions providing service reflected in an SLA, consultation of principals for the assignment of staff to schools as part of a Service Level Agreement for services

² January 11, 2018, Board item is included in the appendix.

- being purchased from the District will be made through consultation of principals on the SLA itself (see *Allocation of Funds to Schools*).
- ii. For positions providing service not reflected in an SLA, central office divisions will be responsible for developing and carrying out processes.
- d. Document the processes for assignment of staff in consultation with the principal in SLAs and/or the School Program Planning and Budgeting Guide (currently available online at guide.ccsd.net).

EVALUATION

To ensure the plan of action listed in this section has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization, the following actions will be taken:

1. Ensure that for the assignment of Central Services staff to schools:
 - a. Principals report through existing or newly developed feedback systems that they are consulted on all temporary or permanent assignments and reassignments of central staff to schools and the feedback of the principal is truly taken into consideration.
 - b. The manner in which central services divisions and departments assign staff to schools balances the school service needs and the central office ability to provide the service given current resources. Principal requests for changes in how staff is assigned to their school or which staff member is assigned to their school will be accommodated unless that accommodation provides an additional burden on the provision of services to other schools.

ALLOCATION OF FUNDS TO SCHOOLS

REFERENCES

AB 469 Section 16.8

“If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection 7, the large school district must allocate additional money to the local school precinct in an amount equal to the amount that would otherwise be paid by the large school district to carry out the responsibility.”

AB 469 Section 18.1

“On or before January 15 of each year, the superintendent shall establish for the next school year... The estimated percentage of the amount of money... to be unrestricted that will be allocated to the local school precincts. The percentage must equal... 85% of the total amount of money from all sources received by the large school district that is unrestricted for the school year.”

Superintendent of Public Instruction Findings

“The District estimated that the value of those services for which authority and responsibility was transferred by the Board will exceed 85% of all unrestricted funds, but it has not made a final determination whether schools will receive more than 85% of the total amount of money from all sources received by the large school district that is unrestricted for the 2018-2019 school year. A true accounting will need to be provided to ensure the requirements of Section 18.1(b) of AB 469 have been met.”

Previous Actions of the Board of School Trustees

On October 26, 2017, the Board of School Trustees authorized the transfer of responsibilities for School Technology Support and Compliance and Ensuring a Clean, Well-Maintained Learning Environment.³

On January 11, 2018, the Board of School Trustees authorized the transfer of responsibilities for specified central services, utilizing service level agreements, pursuant to Assembly Bill 469 of the 2017 Legislative Session.⁴ For the 2018-2019 school year, schools will continue to purchase the services from District Central Services using their strategic budget allocation. Schools will be provided detailed information regarding the service and will have the opportunity to collaborate on the development of service level agreements. Transferred items included:

- **Centrally-funded school-allocated instructional services:** assessment, athletics, student activities, fine arts, orchestra, summer school, staff development services, education services, attendance enforcement, safe and drug-free schools, legislatively mandated defibrillator and EpiPen services, credit recovery, graduation services, alternative student programs, gifted and talented education, Moapa Valley farm, English language learner school services, English language learner testing, and Prime 6 field trips.

³ The October 26, 2017, Board items are included in the appendix.

⁴ January 11, 2018, Board item is included in the appendix.

- **Centrally-funded school-allocated operational services:** transportation, vehicle maintenance, landscaping, utilities, technology support, school site administration - Human Resources allocation, trash disposal, and Human Resources extended-day staffing.
- **Centrally-funded school-allocated ancillary services:** police services, Partnership Office field trips and University of Family Learning services and staff.

ANALYSIS AND PLAN OF ACTION

Allocation of funds for responsibilities transferred to schools

Funding for the two responsibilities for which authority was transferred on October 26, 2017, was included in the school allocation estimates released to principals on January 16, 2018. No additional action is required for these two items.

At that time, principals were also provided an estimated allocation for the responsibilities for which authority was transferred on January 11, 2018, calculated using an unweighted average per-pupil calculation of the total estimated amount that would otherwise be paid by the District to carry out the responsibilities.

To become and remain compliant with AB 469, the following actions will be taken:

1. Develop SLAs for items transferred on January 11, 2018, for implementation in the 2018-2019 school year (See Figure 1 and Table 1 for more detailed planned timelines of this work).
 - a. Draft 2018-2019 SLAs, documenting the current service and determining a method for allocation⁵ of the cost of that service to schools based on the 2018 Amended Final Budget. (Unit/Division/Department leaders)
 - b. Finalize and align draft 2018-2019 SLAs to ensure consistency. (Office of the Deputy Superintendent)
 - c. Review and approve draft 2018-2019 SLAs. (Superintendent)
 - d. Distribute draft 2018-2019 SLAs to School Associate Superintendents, through the Academic Unit, to initiate review of draft SLAs by principals and School Organizational Teams. (Office of the Deputy Superintendent)
 - e. Facilitate and monitor review and feedback of draft 2018-2019 SLAs by principals and School Organizational Teams and communicate results with the Office of the Deputy Superintendent and Unit/Division/Department leaders. (School Associate Superintendents)
 - f. Revise draft 2018-2019 SLAs by:
 - i. Considering feedback received from School Associate Superintendents.
 - ii. Revising allocation methods and calculations based on the 2019 final budget. (Unit/Division/Department leaders)
 - g. Finalize and align revised draft 2018-2019 SLAs to ensure consistency. (Office of the Deputy Superintendent)
 - h. Review and approve revised draft 2018-2019 SLAs. (Superintendent)
 - i. Distribute final approved 2018-2019 SLAs to School Associate Superintendents through the Academic Unit to be shared with principals and School Organizational Teams. (Office of the Deputy Superintendent)
 - j. Provide clear, consistent, and thorough messaging to principals and School Organizational Teams throughout the 2018-2019 SLA development process. (Office of the Deputy Superintendent, Academic Unit)

⁵ Details on how allocation methodologies are determined for each Service Level Agreement are included in the appendix.

- k. Develop and provide training to principals on SLAs, the SLA Development process, and engaging with School Organizational Teams to review SLAs. (Office of the Deputy Superintendent, Academic Unit)

Figure 1. Planned Timeline for 2018-2019 Service Level Agreements⁶

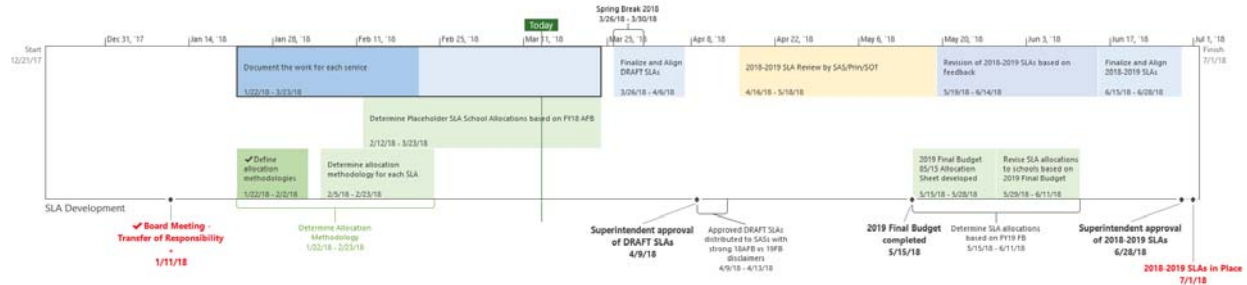


Table 1. Major Task List for 2018-2019 Service Level Agreements

Task Name	Start	Finish
2018-2019 SLA Development		
Documentation of the Service (to be completed within departments)	Fri 1/12/18	Fri 3/23/18
Determine Allocation Methodology	Mon 1/22/18	Fri 2/23/18
Determine Placeholder SLA School Allocations based on FY18 Amended Final Budget (AFB)	Mon 2/12/18	Fri 3/23/18
Finalize and Align DRAFT SLAs (Office of the Deputy Superintendent)	Mon 3/26/18	Fri 4/6/18
Superintendent approval of DRAFT SLAs	Mon 4/9/18	Mon 4/9/18
2018-2019 DRAFT SLA Review and Revision		
Approved DRAFT SLAs distributed to SASs with strong 18AFB vs 19 Final Budget disclaimers	Mon 4/9/18	Fri 4/13/18
2018-2019 SLA Review by SAS/Prin/SOT	Mon 4/16/18	Fri 5/18/18
Revision of 2018-2019 SLAs based on feedback	Sat 5/19/18	Thu 6/14/18
Determine SLA allocations based on FY19 FB	Tue 5/15/18	Mon 6/11/18
2019 Final Budget completed	Tue 5/21/18	Tue 5/21/18
2019 Final Budget 85/15 Allocation Sheet developed	Tue 5/21/18	Mon 6/4/18
Revise SLA allocations to schools based on 2019 Final Budget	Tue 6/4/18	Mon 6/18/18
Finalize and Align 2018-2019 SLAs	Fri 6/18/18	Thu 6/28/18
Superintendent approval of 2018-2019 SLAs	Thu 6/28/18	Thu 6/28/18
2018-2019 SLAs in Place	Sun 7/1/18	
Communication Throughout SLA Development	Fri 1/12/18	Wed 3/7/18
Training	TBD	TBD

⁶ Figure 1 is also included in larger format in the appendix.

2. Develop an overarching, repeatable annual cycle for SLA development that includes opportunities for feedback, review, and iterative process improvement (see Figure 2).
 - a. Adjust the annual timeline for the SLA development, feedback, review, and iterative improvement beginning with the 2018-2019 school year to better align to timelines to support AB 469 (see Figure 3).
 - b. Develop a process to ensure a fair examination of any change to an SLA that may result a potential loss of positions or recommendation for outsourcing.

Figure 2. Timeline for 2019-2020 and 2020-2021 Service Level Agreements

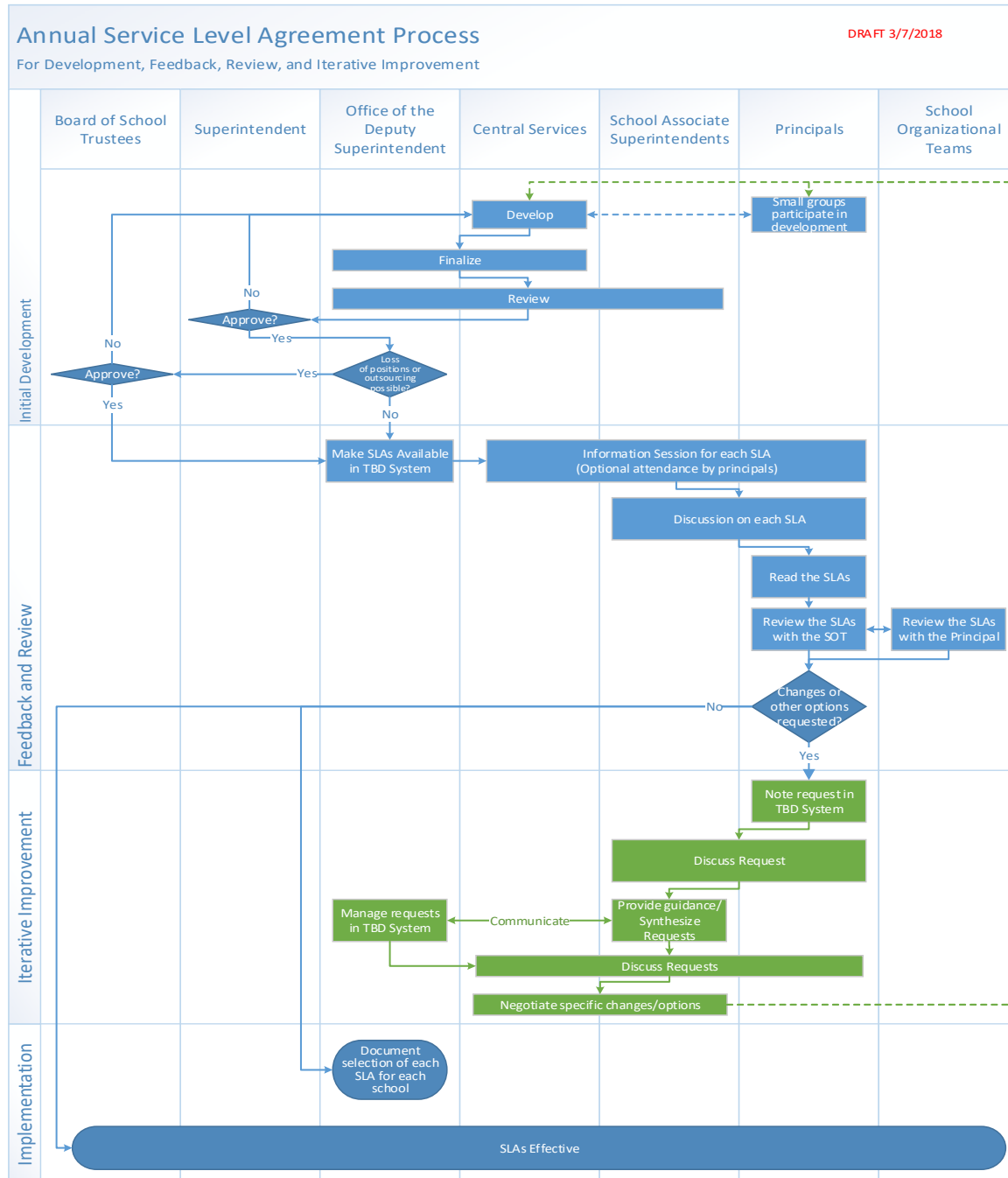
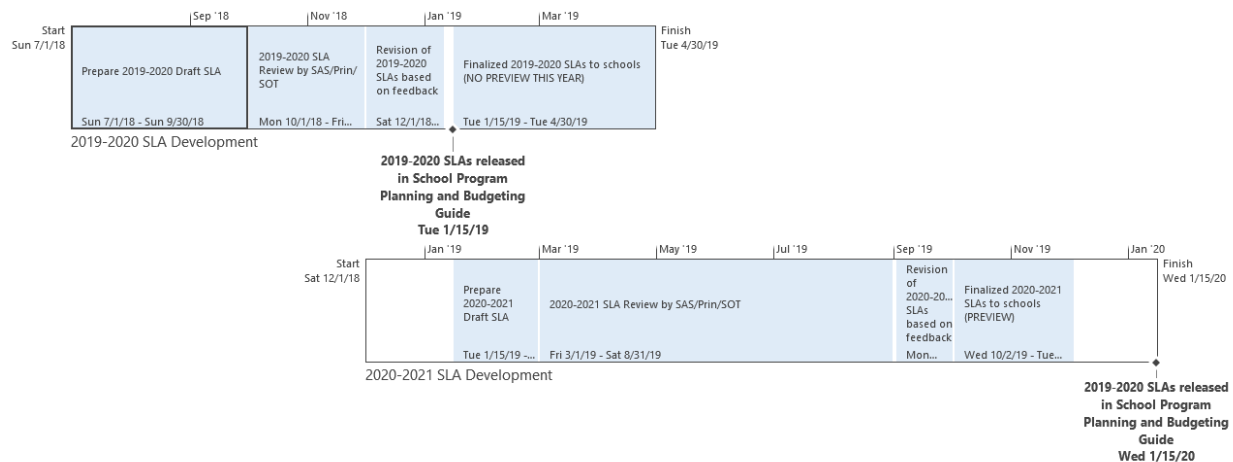


Figure 3. Timeline for 2019-2020 and 2020-2021 Service Level Agreements⁷



Allocation of at least 85 percent of unrestricted funds to schools

Assembly Bill 469 requires that certain information be established by January 15 of each year and that subsequently that information is posted online and made available to the public. As seen below, that information includes the estimated percentage of unrestricted funds that will be allocated to the schools in the following school year, which, for the 2018-2019 school year, must be 85 percent or higher. **For the 2018-2019 school year (FY19), an estimated 87.63 percent of unrestricted funds will be allocated to the local school precincts.** This information has been posted online as required (reorg.ccsd.net/reports) and is included in Table 2 below.⁸

Table 2. Estimated FY19 Revenue and Allocation to Schools

Item	Amount*
Estimated FY19 Total Amount of Money Received from All Sources	\$2,396,062,996
Estimated FY19 Beginning Fund Balance <i>(restricted – encumbered per CCSD Regulation 3110)</i>	(\$18,953,996)
Estimated FY19 Beginning Fund Balance <i>(restricted – non-spendable encumbered inventory)</i>	(\$4,000,000)
Estimated FY19 Special Education Funds <i>(restricted funds to support Maintenance of Effort requirements)</i>	(\$484,507,293)
Estimated FY19 Contribution to Ending Fund Balance <i>(restricted - encumbered per CCSD Regulation 3110)</i>	(\$8,496,285)
Estimated FY19 Total Unrestricted Resources	\$1,880,105,422
Estimated FY19 percentage of unrestricted funds that will be allocated to the local school precincts	87.63%
Estimated FY19 Total Categorical Revenue <i>(Including state and federal grants and Medicaid)</i>	\$ 188,603,470
Estimated Total Amount Allocated to FY19 School Budgets	\$ 1,647,536,381

**All estimated figures were determined prior to receiving updated FY19 revenue estimates from the State of Nevada Department of Taxation or other funding sources.*

⁷ Figure 3 is also included in larger format in the appendix.

⁸ The complete report developed and posted with this information is included in the appendix.

To become and remain compliant with AB 469, the following actions will be taken:

3. Ensure the adjusted allocations to schools based on actual fall enrollment (AB 469 Section 20.4) total at least 85 percent of unrestricted funds included in the FY19 Final Budget and the FY19 Amended Final Budget.
4. Prepare and publish an addendum to the Section 18 report that illustrates school allocation adjustments.

EVALUATION

To ensure the plan of action listed in this section has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization, the following actions will be taken:

1. Ensure that, with the development of SLAs and a process for SLA development, feedback, review, and iterative improvement:
 - a. SLAs are developed to accurately represent the services provided to schools.
 - b. SLAs are developed to represent the accurate allocation of services to individual schools whenever possible.
 - c. Schools are charged for services what it cost for the District to provide the service.
 - d. Principals and School Organizational Teams have a mechanism to seek additional autonomies.
 - e. Principals may request the development of additional SLAs.
 - f. Any change to an SLA that results in a potential loss of positions or recommendation for outsourcing is brought to the Board of School Trustees for approval.
 - g. The SLA development, feedback, review, and iterative improvement process aligns appropriately with already established Transfer of Responsibilities processes.
 - h. The SLA development, feedback, review, and iterative improvement process allows for the Board of School Trustees to act on its authority and responsibility.
2. Ensure that at least 85 percent of unrestricted funds are allocated to schools after allocations are adjusted for enrollment in the Amended Final Budget.

PURCHASE OF EQUIPMENT, SERVICES, AND SUPPLIES FROM THE DISTRICT BY SCHOOLS

REFERENCES

AB 469 Section 17.1

“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.”

Superintendent of Public Instruction Findings

“On January 16, 2018, the District released Strategic Budget Workbooks to schools. These workbooks contained much of the information required by Section 17 of A.B. 469 but contained only preliminary estimates of the costs associated with services available from the District. Furthermore, the District must make the costs of these services public.”

Previous Actions of the Board of School Trustees

On January 11, 2018, the Board of School Trustees authorized the transfer of responsibilities for specified central services, utilizing service level agreements, pursuant to AB 469 of the 2017 Legislative Session. For the 2018-2019 school year, schools will continue to purchase the services listed above from District Central Services using their strategic budget allocation. Schools will be provided detailed information regarding the service and will have the opportunity to collaborate on the development of service level agreements.

ANALYSIS AND PLAN OF ACTION

On January 16, 2018, principals were provided with a list of items that had been transferred to schools by the Board of School Trustees on January 11, 2018, which serves as a list of equipment, services, and supplies that the school may obtain from the District. However, budget estimates for these responsibilities were not programmed into the strategic workbook, and the allocation of resources for and the cost of these services was provided as a preliminary estimate of allocated central services, for all services combined. To become and remain compliant with AB 469, the following actions will be taken:

1. Include in SLAs the estimated cost to schools for the equipment, services, and supplies that the agreement represents, based on the budget available at the time of the estimates.
2. Include the SLAs in the School Program Planning and Budgeting Guide, which is available to the public.
3. After the annual audit of final budget is completed, expected annually in November, ensure that the cost to schools for the equipment, services, and supplies that the agreement represents does not exceed the cost to the District to provide that service.

EVALUATION

To ensure the plan of action listed in this section has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization, the following actions will be taken:

1. Ensure that the cost to schools for the equipment, services, and supplies represented in SLAs does not exceed the actual cost to the District for those equipment, services, and supplies and is made available to the public.

SCHOOL CARRY FORWARD OF YEAR-END BALANCE

REFERENCES

AB 469 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.”

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.”

ANALYSIS AND PLAN OF ACTION

On January 16, 2018, principals were provided with the estimated school budget for the 2018-2019 school year. As stated in Superintendent Canavero’s February 2 letter, this estimate did not include any restricted fund balance resulting from previous year staff vacancies. Historically, the District has utilized trend data to estimate the potential savings from lower than budgeted payroll costs. Instead of realizing those savings at the end of the year, the District budgeted those savings in advance into other positions, programs, services, and supplies throughout Central Services and schools. This budgeting method ensured that as much as possible, District funds were spent during the school year for which they were allocated.

With the implementation of AB 469 comes a change from a central, districtwide funding mechanism to a decentralized, school-based funding mechanism. The District’s method for budgeting anticipated payroll savings in advance must change.

As the development of SLAs integrates into that process, they must be developed with the additional objective of giving both the District and schools time to understand the services being provided and the costs associated with the services.

To become and remain compliant with AB 469, the following actions will be taken:

1. Beginning with the budget for fiscal year 2019, discontinue the practice of budgeting estimated in advance potential savings from lower than budgeted payroll costs in school budgets into other positions, programs, services, and supplies throughout Central Services and schools.
2. For the 2018-2019 school year and beyond, budget for the expectation that schools will either spend all allocated dollars or carry forward those dollars into the next school year.
 - a. Include in the 2018-2019 strategic budgets of the local school precincts the full general operating fund budgeted expenditures to be available for each school to spend in that current year.
 - b. Deduct the cost of any long-term substitute staff members utilized by the school when calculating the year-end balance for the school.
 - c. At the end of the 2018-2019 school year, calculate the actual expenses incurred by each school for services provided under the SLAs and collaborate with the Nevada Department of

Education to determine whether the carry forward due to differences between estimated allocations, estimated costs, and actual costs of services provided under SLAs should be included as part of the restricted fund balance for the schools or in the unrestricted ending fund balance for the District.

- d. Account for any remaining positive or negative balance as a restricted year-end balance and include the balance as carried forward for the school into the following year, beginning 2019-2020.

EVALUATION

To ensure the plan of action listed in this section has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization, the following actions will be taken:

1. Ensure that, regarding the carry forward of year-end balances for schools:
 - a. Beginning with the 2019-2020 school year, ensure that school budgets include a restricted carried forward ending fund balance from the year before, exclusive of estimated allocations for services purchased from the District under SLAs.
 - b. The District is able to maintain or better its financial position and goals, specifically with regard to the ending fund balance and responsibility to debt holders.
 - c. Schools and the District are held harmless of unanticipated concerns with regard to the estimated allocation of funds and the actual costs of services provided under SLAs for the 2018-2019 school year; identified differences between estimated allocations, estimated costs, and actual costs do not artificially harm nor benefit individual schools.

WEIGHTED PER-PUPIL FUNDING

REFERENCES

AB 469 Section 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.”

AB 469 Section 19.2

“If the large school district wishes to apply a different weight to any category or a different distribution of weights, the large school district must submit a request for a variance to use a different weight or distribution of weights to the Department for approval...

Upon receipt of a request for a variance pursuant to subsection 2, the Department shall review the proposed weights, distribution of weights or request for a variance and inform the large school district whether it approves the proposed weights, distribution of weights or request within 30 days. Once approved, the weights assigned for each category of pupil and the distribution of weights must be posted on the Internet website of the large school district and made available to any person upon request.”

Superintendent of Public Instruction Findings

“On October 26, 2017, the District sent a letter to the Department asking for a variance from this section of the law under Section 19.2. In response, the Department sent a request for information on December 8, 2017. The District sent information back to the Department on December 15, 2017. The Department provided further guidance around the variance process to the District on January 8, 2018. The District provided a response on January 31, 2018 seeking a variance for the individual weights that the Department has not had an opportunity to review.”

“The Department notes that it is currently conducting an assessment of the equity of using the average unit cost for budgeting for the local school precincts and its financial impact on local school precincts. That assessment is expected to be completed before July 1, 2018. Thus, the Department requests that CCSD continue to develop a process within the joint implementation plan to come into compliance with the provision in Section 19 of A.B. 469 that money be allocated on a per pupil basis to schools.”

“Regarding the District’s request for variance, the Department finds that CCSD has produced sufficient information to grant a variance from the state’s weighted funding formula for pupils with disabilities, as described in Section 19.1(c) of A.B. 469. This variance is granted for the budgets supporting the 2018/2019 academic year.”

ANALYSIS AND PLAN OF ACTION

The District’s request for variance and accompanying information described the current practice for allocating funds to schools. That method consists of aligning resources used at the school sites with student enrollment and staffing ratios as established in the District’s Comprehensive Annual Budget Report. Per-pupil

calculations are made not to fund each school, but to provide a baseline calculation of what per pupil funding would be for schools.

On March 14, 2018, a response was received granting the District's request for variance under section 19.2 of AB 469 for the 2018-2019 school year. That response also requests that the District continue to work toward allocation of funds to schools on a per pupil basis.

To become and remain compliant with AB 469, the following actions will be taken:

1. For the 2018-2019 school year, continue the practice of funding schools by aligning resources used at the school sites with student enrollment and staffing ratios as established in the District's Comprehensive Annual Budget Report.
2. Continue to work with the Nevada Department of Education and others toward the development of a model for funding schools that is based on pupils, rather than full-time equivalents.
 - a. The intent of this work is to establish funding based on per pupils for the 2019-2020 school year, pending the expected July 1 Report to be released by the Nevada Department of Education per AB 469 Section 43.

EVALUATION

To ensure the plan of action listed in this section has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization, the following actions will be taken:

1. Ensure that schools are funded using existing practices for the 2018-2019.
2. Develop of a model for funding schools that is based on pupils, rather than full-time equivalents.

EVALUATION

The following information summarizes the planned actions to ensure the 2018 Plan for the Implementation of Actions to Finalize Compliance with Assembly Bill 469 (2017) has been completed successfully, and to ensure that the completed actions contribute to the overall success of the reorganization.

Summary of Planned Actions

AUTHORITY TO SELECT SCHOOL STAFF

Ensure that employee contracts executed after the authorization of AB 469 comply with the following criteria:

- a. Principals have the authority to select all staff for their school.
- b. No portion of any employee agreement allows for the placement of an employee into the school, under the supervision of the principal, without the principal having selected that employee.
- c. Newly negotiated placement processes do not jeopardize compliance with other sections of AB 469 or other laws.

ASSIGNMENT OF CENTRAL STAFF TO SCHOOLS

Ensure that for the assignment of Central Services staff to schools:

- a. Principals report through existing or newly developed feedback systems that they are consulted on all temporary or permanent assignments and reassignments of central staff to schools and the feedback of the principal is truly taken into consideration.
- b. The manner in which central services divisions and departments assign staff to schools balances the school service needs and the central office ability to provide the service given current resources. Principal requests for changes in how staff is assigned to their school or which staff member is assigned to their school will be accommodated unless that accommodation provides an additional burden on the provision of services to other schools.

ALLOCATION OF FUNDS TO SCHOOLS

Ensure that, with the development of SLAs and a process for SLA development, feedback, review, and iterative improvement:

- a. SLAs are developed to accurately represent the services provided to schools.
- b. SLAs are developed to represent the accurate allocation of services to individual schools whenever possible.
- c. Schools are charged for services what it cost for the District to provide the service.
- d. Principals and School Organizational Teams have a mechanism to seek additional autonomies.
- e. Principals may request the development of additional SLAs.
- f. Any change to an SLA that results in a potential loss of positions or recommendation for outsourcing is brought to the Board of School Trustees for approval.

- g. The SLA development, feedback, review, and iterative improvement process aligns appropriately with already established Transfer of Responsibilities processes.
- h. The SLA development, feedback, review, and iterative improvement process allows for the Board of School Trustees to act on its authority and responsibility.

Ensure that at least 85 percent of unrestricted funds are allocated to schools after allocations are adjusted for enrollment in the Amended Final Budget.

PURCHASE OF EQUIPMENT, SERVICES, AND SUPPLIES AVAILABLE FROM THE DISTRICT BY SCHOOLS

Ensure that the cost to schools for the equipment, services, and supplies represented in SLAs does not exceed the actual cost to the District for those equipment, services, and supplies and is made available to the public.

SCHOOL CARRY FORWARD OF YEAR-END BALANCE

Ensure that, regarding the carry forward of year-end balances for schools:

- a. Beginning with the 2019-2020 school year, ensure that school budgets include a restricted carried forward ending fund balance from the year before, exclusive of estimated allocations for services purchased from the District under SLAs.
- b. The District is able to maintain or better its financial position and reach financial goals, specifically with regard to the ending fund balance and responsibility to debt holders.
- c. Schools and the District are held harmless of unanticipated concerns with regard to the estimated allocation of funds and the actual costs of services provided under SLAs for the 2018-2019 school year; identified differences between estimated allocations, estimated costs, and actual costs do not artificially harm nor benefit individual schools.

WEIGHTED PER-PUPIL FUNDING

Ensure that schools are funded using existing practices for the 2018-2019.

Develop of a model for funding schools that is based on pupils, rather than full-time equivalents.

APPENDIX

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BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

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February 2, 2018

Superintendent Pat Skorkowsky
Clark County School District
5100 W. Sahara Avenue
Las Vegas, NV 89146

**Re: Request for Joint Development of an Implementation Plan related to the Clark
County School District Implementation of Assembly Bill 469**

Dear Superintendent Skorkowsky,

I commend the Board of Trustees (Board) and your team's efforts in the steps you have taken in the reorganization required by the Nevada Legislature. I am obligated by law to monitor your progress and ensure that Assembly Bill 469 (A.B. 469) is properly implemented. Section 33 of A.B. 469 requires the Superintendent of Public Instruction to take *"such actions as deemed necessary and appropriate to ensure that a large school district carries out the reorganization of the large school district in accordance with the requirements set forth in this bill."*

I recognize the significant progress the Clark County School District (District) has made related to implementing A.B. 469, however more work remains for the District to carry out the reorganization in accordance with the law. As such, I deem it necessary and appropriate at this time to require the joint development of an implementation plan that, at a minimum, attends to specific sections of A.B. 469 noted below. Please accept my pledge of continued collaboration as we work together to address the issues and chart a clear path forward in the identified areas noted in this letter in an implementation plan. The complexity and scale of the change required by A.B. 469 and the timelines by which the work is to be accomplished present formidable challenges to the District. Enumerating the accomplishments thus far is beyond the scope of this letter which focuses our attention on the remaining work, but the significant progress made by District staff and the Board is recognized and why an implementation plan, at this time, is appropriate.

As noted below and in more detail in the following pages, the implementation plan is to be developed by March 15, 2018. I believe recent discussions with the District and stakeholders have been positive and mutually beneficial. In the spirit of our ongoing collaboration and cooperation, the Department offers its continued assistance to the District in the development of the implantation plan that realizes the decentralized and autonomous site-based operational model required by A.B. 469. Over the next few weeks, my staff and I will be reaching out to you to offer any support we can to assist you with this request.

Since the law was enacted in May 2017, the District and Board have taken many positive steps to implement the statutory requirements. The Department finds the development of an implementation plan is necessary to address the following aspects of AB 469:

Section 16.2.

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.

The Superintendent transferred authority to select for the local school precinct the teachers, administrators other than the principal, and other staff who work under the direct supervision of the principal to local school precincts through the Strategic Budget Workbook process starting in the 2017-2018 school year. These actions are consistent with the statutory requirements.

As previously detailed in my October 12, 2017, letter, concurrent with this statutory requirement, the Department finds that any negotiated contract approved after A.B. 469 became effective on May 8, 2017 must include provisions complying with A.B. 469. Existing collective bargaining agreements create a situation where local school precincts are occasionally assigned teachers, administrators, and other staff through the "involuntary transfer" process. These processes are outlined in Section 35-3-3-B of the 2016/2017 negotiated agreement between the Clark County Education Association and CCSD, Section 25-8-1 of the 2015-2017 negotiated agreement between the Education Support Employees Association and CCSD, and Section 26-2-4 of the 2013-2015 Negotiated Agreement between the Clark County Association of School Administrators and Professional-Technical Employees and CCSD. 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. The implementation plan must include the necessary steps for the District to carry out this aspect of the reorganization in accordance with the requirements of the A.B. 469.

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.

While conversations about this section of the law are ongoing within the District, especially around the development of service level agreements and the collectively bargained "involuntary transfer" process, the Department can find no evidence that this portion of the law has actually been addressed in a way that is consistent with the decentralized and autonomous site-based operational model required by A.B. 469. The implementation plan must include the necessary steps for the District to carry out this aspect of the reorganization in accordance with the requirements of the A.B. 469.

Section 16.8.

If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection 7, the large school district must allocate

additional money to the local school precinct in an amount equal to the amount that would otherwise be paid by the large school district to carry out the responsibility

And

Section 18.1

1. On or before January 15 of each year, the superintendent shall establish for the next school year:

(a) The estimated total amount of money to be received by the large school district from all sources, including any year-end balance that is carried forward, and shall identify the sources of such a year-end balance and whether the year-end balance is restricted. If the year-end balance is restricted, the superintendent shall identify the source of the restriction and the total amount of money to be received by the large school district that is unrestricted. Money may only be identified as restricted if it is required by state or federal law, if it is proscribed by the Department or if it has been otherwise encumbered.

(b) 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; and

(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.

The Board voted to transfer the money associated with approximately 30 responsibilities to local school precincts for the 2018-2019 school year in an effort to comply with Section 18.1(b) of A.B. 469 (the 85/15 provision for the 2018-2019 school year), but schools will not have full access to that money in the 2018-2019 school year. Instead, the Board instructed the Superintendent to develop annual Service Level Agreements for all transferred services so those services can be purchased back from the District for the 2018-2019 school year – a meaningful step toward compliance. The District estimated that the value of those services for which authority and responsibility was transferred by the Board will exceed 85% of all unrestricted funds, but it has not made a final determination whether schools will receive more than 85% of the total amount of money from all sources received by the large school district that is unrestricted for the 2018-2019 school year. A true accounting will need to be provided to ensure the requirements of Section 18.1(b) of A.B. 469 have been met. The implementation plan must include the necessary steps for the District to carry out this aspect of the reorganization in accordance with the requirements of the A.B. 469.

Section 17.1(b)

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.

On January 16, 2018, the District released Strategic Budget Workbooks to schools. These workbooks contained much of the information required by Section 17 of A.B. 469 but contained only preliminary estimates of the costs associated with services available from the District. Furthermore, the District must make the costs of these services public. The implementation plan must include the necessary steps for the District to carry out this aspect of the reorganization in accordance with the requirements of the A.B. 469.

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.

The 2017-2018 school year marked the first school year that the District operated under the statutory requirements of the reorganization. For that school year, the Superintendent allocated each local school precinct budget and supervisory authority for teachers, administrators other than the principal, and other staff who work under the direct supervision of the principal to local school precincts through the Strategic Budget Workbook process. As such, resources resulting from staff vacancies in these positions must be carried forward as a restricted fund balance for the 2018-2019 school year.

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. The implementation plan must include the necessary steps for the District to carry out this aspect of the reorganization in accordance with the requirements of the A.B. 469.

Section 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.***

On October 26, 2017, the District sent a letter to the Department asking for a variance from this section of the law under Section 19.2. In response, the Department sent a request for information on December 8, 2017. The District sent information back to the Department on December 15, 2017. The Department provided further guidance around the variance process to the District on January 8, 2018. The District provided a response on January 31, 2018 seeking a variance for the individual weights that the Department has not had an opportunity to review. The implementation plan must include the necessary steps for the District to carry out this aspect of the reorganization in accordance with the requirements of the A.B. 469.

Thank you for your attention to and continued support of the reorganization efforts. I look forward to our continued collaboration in developing a response to this request for an implementation plan and in my ongoing obligation to monitor the implementation of A.B. 469. If you have any questions about this letter, please do not hesitate to reach out to me.

In partnership,



Steve Canavero
Superintendent of Public Instruction

CC: Senator Michael Roberson, Chair Advisory Committee to Monitor the Implementation of the Reorganization of Large School Districts
Assemblywoman Olivia Diaz, Vice Chair Advisory Committee to Monitor the Implementation of the Reorganization of Large School Districts
Senator Moises Denis, Chair Legislative Committee on Education
Assemblyman Tyrone Thompson, Vice Chair Legislative Committee on Education
Elaine Wynn, President State Board of Education
Deanna Wright, President Clark County Board of Trustees
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February 20, 2018

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General Counsel

OPINION NO. 2017-13

SCHOOL DISTRICTS (PUBLIC):
COLLECTIVE BARGAINING;
PLACEMENT OF TEACHERS:

Local school precincts have the ability to select their own teachers pursuant to section 16(2) of Assembly Bill (AB) 469, 79th Session of the Nevada Legislature (2017). The obligation of a school district to negotiate with union representatives in regards to "the policies for the transfer and reassignment of teachers" does not limit the local precinct's right to select its own teachers.

Steve Canavero, Ph.D.
Superintendent of Public Instruction
State of Nevada Department of Education
700 E. Fifth Street
Carson City, Nevada 89701

Dear Superintendent Canavero:

You have requested an opinion from this office regarding a large school district's ability to place teachers in a school despite the objection of the school principal. More specifically, your question concerns the extent to which collective bargaining rules may limit the principal's autonomy to make teacher placement decisions for a local school precinct within the large school district.

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Although legislative enactments in 2015 and 2017 contemplate significant autonomy for local school precincts, these enactments have not expressly modified or amended the collective bargaining rules set forth at NRS 288.150. Of interest here is a rule which states that the school district, as opposed to local school precincts, must negotiate in good faith with union representatives in regards to “the policies for the transfer and reassignment of teachers.” NRS 288.150(2)(u). As discussed below, this rule is not in conflict with recent legislation that grants to local school precincts the authority to make certain teacher placement decisions.

BACKGROUND

Assembly Bill No. 394 of the 78th Session of the Nevada Legislature (2015) created an advisory committee of legislators to develop a plan and recommendations to reorganize the Clark County School District into local school precincts. Act of June 11, 2015, ch. 543, § 25, 2015 Nev. Stat. 3847 (A.B. 394). It further directed the State Board of Education to adopt regulations for the implementation of the plan. *Id.* at § 28(4), p. 3850. The regulations were adopted and became effective on September 9, 2016 as LCB file R142-16. Section 14(2) of R142-16 required the Clark County Superintendent to transfer to each local school precinct the authority to select teachers for the precinct. The legislature subsequently incorporated this provision of R142-16 into Assembly Bill No. 469 of the 79th Session of the Nevada Legislature (2017). Act of May 8, 2017, ch. 11, § 16, 2017 Nev. Stat. 43 (A.B. 469).

In counties with a population of 100,000 or more pupils, the Superintendent of Public Instruction is charged with taking such actions as deemed necessary and appropriate to ensure that each large school district carries out the reorganization as specified in A.B. 469. *Id.* at § 33, p. 55. Accordingly, on October 12, 2017, the Superintendent of Public Instruction informed the Superintendent of Clark County School District that:

Sec 16 (3) of AB 469 requires CCSD to negotiate the salaries, benefits and other conditions of employment of administrators, teachers and other staff necessary for the operation of the local school precinct. While the authority to negotiate the contract remains central, AB 469 clearly states that the principal of a local school precinct has

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Superintendent of Public Instruction
State of Nevada Department of Education
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authority over the selection of teachers, other administrators, and other staff under the direct supervision of the principal, as well as input on the placement of central service staff assigned to their school (e.g., Sec. 24 (2); Sec. 16 (2) (4) (6)). Therefore, any contract approved after AB 469 became effective on May 8, 2017 must include provisions complying with AB 469. This direction, in other words, mandated that school principals hold and exercise authority to hire teachers in their respective schools.

Letter from Steve Canavero, Ph.D., Superintendent of Public Instruction to the Superintendent of Clark County School District (October 12, 2017).

As noted above, however, there is tension between section 16 of A.B. 469, which requires that placement decisions be made by local school precincts, and NRS 288.150(2)(u), which requires the school district to negotiate in good faith with designated representatives of the recognized employee organizations regarding “the policies for the transfer and reassignment of teachers.” The Superintendent of Public Instruction now seeks clarification regarding whether NRS 288.150(2)(u) allows the Superintendent of Clark County to place a teacher in a school without the consent of a local school precinct.

QUESTION

Can a school district with a population of 100,000 or more pupils negotiate an agreement with the representatives of its teachers that would allow the district to assign a teacher to a local school precinct without the consent of the local school precinct?

ANALYSIS

When two statutes are clear and unambiguous but conflict with each other when applied to a specific factual situation, an ambiguity is created and a court will attempt to reconcile the statutes. *Szydel v. Markman*, 121 Nev. 453, 457, 117 P.3d 200, 202-03 (2005). In doing so, the court will attempt to read the statutory provisions

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in harmony, provided that this method of interpretation does not violate legislative intent. *City Council of Reno v. Reno Newspapers*, 105 Nev. 886, 892, 784 P.2d 974, 978 (1989). Additionally, courts consider “the policy and spirit of the law and will seek to avoid an interpretation that leads to an absurd result.” *City Plan Dev. v. State, Labor Comm’r*, 121 Nev. 419, 435, 117 P.3d 182, 192 (2005). Consequently, section 16 of A.B. 469 should be read in harmony with NRS 288.150(2)(u) if possible.

In addition to the transfer and reassignment of teachers, NRS 288.150 provides an extensive list of topics that must be the subject of collective bargaining between a local government employer and recognized employee organizations. Many of the categories that are subject to collective bargaining under NRS 288.150 are also subject to other state or federal laws that narrow the permissible scope of negotiations. For instance, while safety of the employee must be bargained, Chapter 618 of the Nevada Revised Statutes (NRS) establishes significant health and safety minimums that apply to local government employers. NRS 288.150(2)(r), 618.095. Additionally, while holidays must be collectively bargained, certain holidays must be taken by public schools in Nevada. NRS 288.150(2)(d), 236.015. That these statutory obligations operate independently of the collective bargaining process has been recognized in Nevada with regard to workers’ compensation: “[t]he obligation to pay compensation benefits and the right to receive them exist as a matter of statute independent of any right established by contract.” *MGM Grand Hotel-Reno, Inc. v. Insley*, 102 Nev. 513, 518, 728 P.2d 821, 824 (1986). Thus, NRS 288.150’s mandate to bargain certain items does not require unlimited bargaining, but bargaining within the confines of other applicable laws. *Id.* Accordingly, a law that restricts the ability of the parties to collectively bargain a specific aspect of the employment relationship is not necessarily in conflict with NRS 288.150 so long as some ability to collectively bargain remains.

A.B. 469 requires the Superintendent of a large school district to relinquish the authority to select teachers for a local school precinct. However, NRS 288.150(2)(u) requires the parties to collectively bargain policies of transfer and reassignment of teachers. So the question that must be answered is, “are there areas of reassignment or transfer of teachers that do not impact a local school precinct’s ability to select its teachers?” According to A.B. 469, the local school precinct must have the ability to select the teachers who will be assigned to the precinct. This grant of limited autonomy to the school precinct does not conflict with the collective

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Superintendent of Public Instruction
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bargaining responsibilities of the school district so long as teachers are employed by the district in positions other than assignment to a local school precinct. Under these circumstances, the school district retains some of its collective bargaining responsibilities under NRS 288.150(2)(u), while the local school precinct acquires the ability to select the teachers who will be assigned directly to the precinct.

Though teachers most often work in classrooms teaching students, teachers do enjoy greater job diversity. In addition to assigning teachers to work with students in classrooms, many districts, including large school districts in Nevada, use teachers in ways other than assignment to a specific classroom. These teachers are referred to by many names such as Teachers on Special Assignment (TOSAs), instructional coaches, or project facilitators. Clark County School District currently employs some 1,255 of these teachers, while Washoe County employs 417.¹ They may be assigned to local school precincts, or more importantly for the purpose of this opinion, to the district itself.² A.B. 469 does not require the superintendent of a large school district to transfer the authority to select teachers employed as TOSAs, instructional coaches, or project facilitators assigned to the District, so NRS 288.150(2)(u) still applies to transfer and reassignment into those positions.

Notably, the legislature has created multiple exemptions to NRS 288.150(2)(u) and may choose to do so again in the future, indicating a legislative intent to abrogate this collective bargaining provision when other legislative initiatives conflict with it.³ While both NRS 288.150(2)(u) and A.B. 469 implicate the ability to decide which teacher is placed in a specified school, A.B. 469 creates a special set of responsibilities and prerogatives that must be transferred to local school precincts. NRS 288.150(2)(u) applies more generally to collective bargaining for all teachers. When a general and a special statute, each relating to the same subject, are in conflict and they cannot be read together, the special statute controls. See *Western Realty Co. v. City of Reno*, 63 Nev. 330, 344, 172 P.2d 158, 165 (1946);

¹ Each District within the state is required to submit to the Department information regarding the designated assignment of each licensed employee by NRS 391.120.

² Department records indicate Clark County has 530 teachers assigned to the District itself while Washoe County has 309.

³ Exemptions for turnaround schools and achievement school district schools have been created previously. NRS 288.150(7) and (9).

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Ronnow v. City of Las Vegas, 57 Nev. 332, 365, 65 P.2d 133, 146 (1937); *State ex rel. Nevada Tax Commission v. Boerlin*, 38 Nev. 39, 45, 144 P. 738, 740 (1914). Additionally, when statutes are in conflict, the one more recent in time controls over the provisions of an earlier enactment. See *Marschall v. City of Carson*, 86 Nev. 107, 115, 464 P.2d 494, 500 (1970); *State ex rel Nevada Douglass Gold Mines, Inc. v. District Court*, 51 Nev. 330, 333, 275 P. 1, 1 (1929); *Thorpe v. Schooling*, 7 Nev. 15, 17 (1871). For these reasons, even if the two provisions could not be read in harmony, A.B. 469 would govern the selection of teachers for assignment to local school precincts. But since there is no actual conflict, A.B. 469 is properly construed as having narrowed the scope of collective bargaining on the subject of teacher transfer and reassignment.

CONCLUSION

Based on the foregoing, 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 against the precinct. See *MGM Grand Hotel-Reno*, 102 Nev. at 518.

ADAM PAUL LAXALT
Attorney General

By: 

Gregory D. Ott
Senior Deputy Attorney General
Division of Government and
Natural Resources

GDO/tdm

TRANSFER OF RESPONSIBILITY
ENSURING A CLEAN, WELL-MAINTAINED LEARNING ENVIRONMENT

Strategic Imperative(s): Clarity and Focus (SI-4)

Focus Area(s): Value/Return on Investment (FA-5)

Assembly Bill 469 of the 2017 Legislative Session requires that the superintendent consult with school associate superintendents, principals, and school organizational teams in order to form recommendations for the transfer of additional responsibilities to principals. This series of conversations has resulted in the recommendation to transfer responsibilities as it relates to ensuring a clean, well-maintained learning environment currently fulfilled through centrally funded site-based custodians.

In August, the District worked with principals to define the current level of autonomies associated with central services and identify areas where principals desired an increased level of autonomy to support the goals of their specific sites. Central services staff worked to assign monetary value to specific responsibilities and document requirements and/or standards for each of the responsibilities.

During level meetings and performance zone meetings, conversations took place regarding the outcome of the initial Transfer of Responsibility Survey and additional information was provided to assist principals with understanding the current practice, dollars allocated to support those services, and possible risk associated with a decentralized model. School associate superintendents introduced principals to various guidance documents and a more in-depth conversation began regarding the current practices and the desired outcomes.

The Academic Unit surveyed principals again after they had the opportunity to discuss these various options with their peers and school organizational teams. Additionally, the Academic Unit conducted a real-time survey and identified approximately 42 principals who expressed an interest in exploring alternatives to the current practices. An invitation was extended to the 42 principals to further discuss the process which resulted in approximately 14 principals attending meetings in late September and early October to develop and document the requirements and standards of service. At the October 5, 2017, meeting, ten school principals indicated that they would like to consider an alternative source for custodial services. The school principals propose to pilot the process to potentially purchase custodial services from an outside custodial service provider. In order to develop alternatives, the Purchasing Department of the Operational Services Unit, in conjunction with the ten school principals, will refine the custodial service requirements and standards of service, and create a Request for Proposals (RFP) document to be advertised locally. The principals will analyze the responses to the RFP and determine whether they want to use the financial resources allocated to their schools for Clark County School District custodial services to purchase services from an outside custodial service provider.

If approved by the Board of School Trustees, beginning in the 2018-2019 school year, the responsibility for ensuring a clean, well-maintained learning environment will be transferred to principals at all schools. The majority of principals have elected to continue with the current model provided by the District. Principals at the following sites have elected to potentially move forward with a pilot model to utilize the financial resources allocated to their sites to procure custodial services from an outside custodial service provider.

Rick Neal
October 26, 2017

Reference 5.02

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TRANSFER OF RESPONSIBILITY
ENSURING A CLEAN, WELL-MAINTAINED LEARNING ENVIRONMENT

Elementary Schools	Middle Schools	High Schools
Walter Bracken	James Cashman	Eldorado
Howard E. Hollingsworth		Northwest Career and Technical Acadamey
Walter V. Long		
Aldeane Comito Ries		
Stanford		
Sheila Tarr Academy of International Studies		
Gene Ward		

Discussion and possible action on approval related to the transfer of responsibility and the allocation of funding for ensuring a clean and well-maintained learning environment, pursuant to Section 16 of Assembly Bill 469 of the 2017 Legislative Session, requiring the Board of School Trustees to consider a recommendation to transfer authority to local school precincts, is recommended.

TRANSFER OF RESPONSIBILITY
SCHOOL TECHNOLOGY SUPPORT AND COMPLIANCE

Strategic Imperative(s): Clarity and Focus (SI-4)
Focus Area(s): Value/Return on Investment (FA-5)

Assembly Bill 469 of the 2017 Legislative Session requires that the superintendent consult with school associate superintendents, principals, and school organizational teams in order to form recommendations for the transfer of additional responsibilities to principals. This series of conversations has resulted in the recommendation to transfer responsibilities as it relates to providing school technology support and compliance, currently fulfilled through centrally funded site-based technicians.

In August, the District worked with principals to define the current level of autonomies associated with central services and identify areas where principals desired an increased level of autonomy to support the goals of their specific sites. Central services staff worked to assign monetary value to specific responsibilities and document requirements and/or standards for each of the responsibilities.

During level meetings and performance zone meetings, conversations took place regarding the outcome of the initial Transfer of Responsibility Survey and additional information was provided to assist principals with understanding the current practice, dollars allocated to support those services, and possible risk associated with a decentralized model. School associate superintendent's introduced principals to various guidance documents and a more in-depth conversation began regarding the current practices and the desired outcomes.

The Academic Unit surveyed principals again after they had the opportunity to discuss these various options with their peers and School Organizational Teams. Additionally, the Academic Unit conducted a real-time survey and identified approximately 42 principals who expressed an interest in exploring alternatives to the current practices. An invitation was extended to the 42 principals to further discuss the process which resulted in approximately 14 principals attending a meeting in late September and early October to develop and document the requirements and standards of service. At the October 5, 2017, meeting, nine principals indicated that they would like to move forward with a different service delivery model for school technology support and compliance currently delivered through site-based technicians. The Technology Information Systems Services Division and the nine identified schools propose to pilot a process by which they can purchase services as needed from the District to provide school technology support and compliance as identified in the governing documents. These nine sites dismissed the idea of outsourcing these services instead, opting to change the delivery model to support the needs at their sites.

If approved by the Board of School Trustees, beginning in the 2018-2019 school year, the responsibility for school technology and compliance will be transferred to principals at all schools. The majority of principals have elected to continue with the current site-based technician model provided by the District. Principals at the following sites have elected to participate in a pilot to determine if they would like to move to a fee-based service delivery model or continue with the current model:

Rick Neal
October 26, 2017

Reference 5.03

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TRANSFER OF RESPONSIBILITY
 SCHOOL TECHNOLOGY SUPPORT AND COMPLIANCE

Elementary Schools	Middle Schools	High Schools
Walter Bracken	James Cashman	Eldorado
William E. Ferron		Northwest Career and Technical Acadamey
Howard E. Hollingsworth		
Walter V. Long		
Betsy Rhodes		
Aldeane Comito Ries		

Discussion and possible action on approval related to the transfer of responsibility and the allocation of funding for school technology support and compliance, pursuant to Section 16 of Assembly Bill 469 of the 2017 Legislative Session, requiring the Board of School Trustees to consider a recommendation to transfer authority to local school precincts, is recommended.

TRANSFER OF RESPONSIBILITIES

Strategic Imperative(s): Clarity and Focus (SI-4)

Focus Area(s): Value/Return on Investment (FA-5)

Assembly Bill 469, Section 18, of the 2017 Nevada Legislative Session requires that the Clark County School District (CCSD) allocate 85 percent of unrestricted funds to school strategic budgets for the 2018-2019 school year. Assembly Bill 469, Section 16 requires that any authority transferred to schools to carry out responsibilities must be submitted for approval by the Board of School Trustees. All funding for specified central services, listed below, is recommended for transfer to schools' strategic budgets, and the authority for carrying out the responsibilities for those services is recommended for transfer to schools through the service level agreements process described below. The funds to be transferred to school budgets are for services provided directly to schools; other related funds will remain centrally allocated.

Central services recommended to be transferred to schools:

- **Centrally-funded school-allocated instructional services:** assessment, athletics, student activities, fine arts, orchestra, summer school, staff development services, education services, attendance enforcement, safe and drug-free schools, legislatively mandated defibrillator and EpiPen services, credit recovery, graduation services, alternative student programs, gifted and talented education, Moapa Valley farm, English language learner school services, English language learner testing, and Prime 6 field trips.
- **Centrally-funded school-allocated operational services:** transportation, vehicle maintenance, landscaping, utilities, technology support, school site administration - Human Resources allocation, trash disposal, and Human Resources extended-day staffing.
- **Centrally-funded school-allocated ancillary services:** police services, Partnership Office field trips and University of Family Learning services and staff.

For the 2018-2019 school year, schools will continue to purchase the services listed above from District Central Services using their strategic budget allocation. Schools will be provided detailed information regarding the service and will have the opportunity to collaborate on the development of service level agreements (SLA). SLAs will contain, at a minimum, the following information:

- A description of the purpose of the service provided for under the agreement.
- A description of any laws, policies, regulations, or administrative directives pertaining to the delivery of the service.
- A description of the roles and responsibilities of the local school precinct in purchasing the service from Central Services.
- A description of site-based decision-making that the principal of the school has over the provision of the service.
- A description of the scope of work and measures of quality for the service provided by Central Services.
- A description of the recourse that a local school precinct has if it is dissatisfied with the service provided under the service agreement.
- A description of the fee for the service provided by Central Services to be charged to the local school precinct budget.

Pat Skorkowsky
January 11, 2018

Reference 5.03

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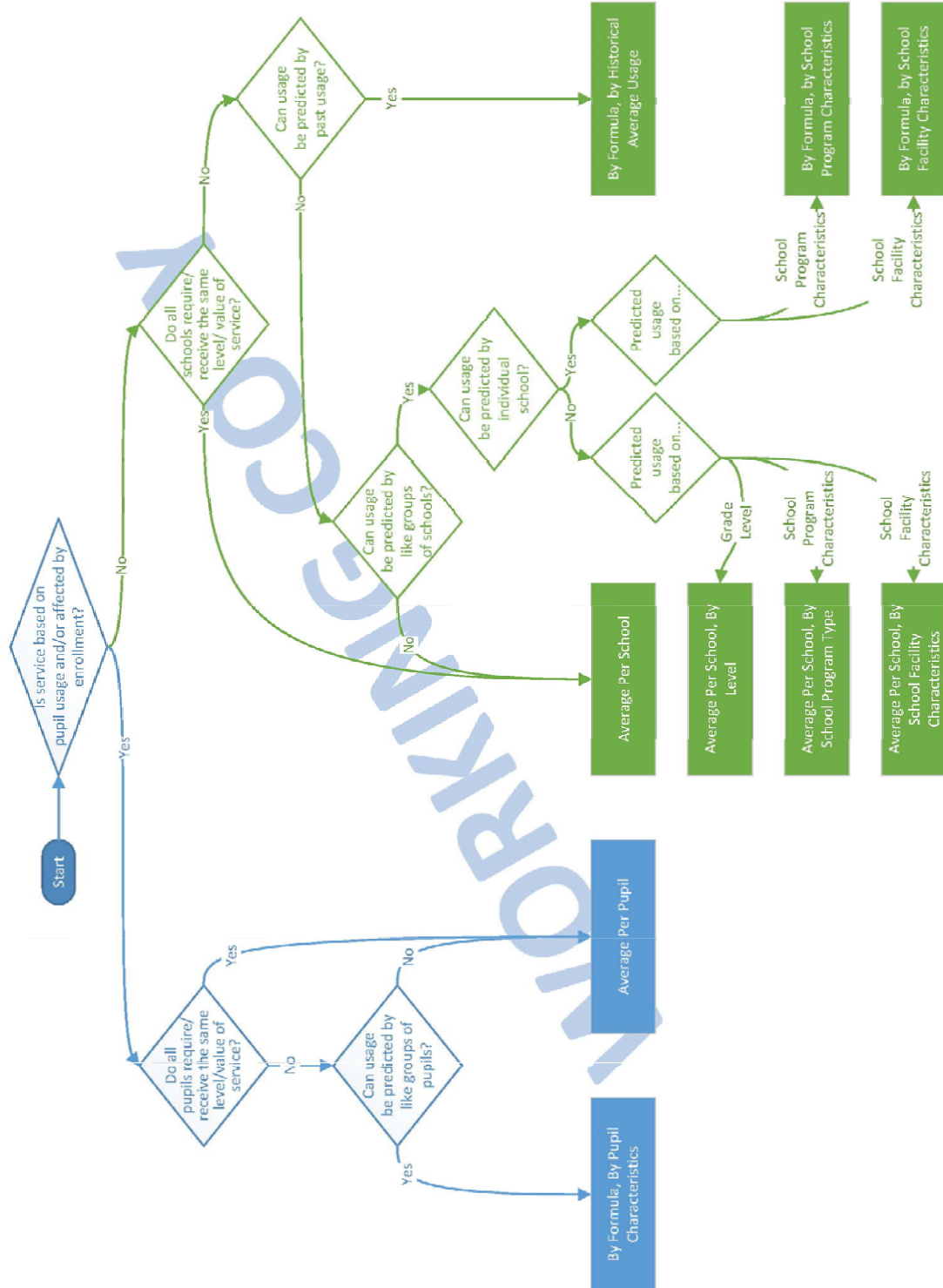
TRANSFER OF RESPONSIBILITIES

A feedback mechanism will be established as part of the SLA process. Feedback will be obtained during the 2018-2019 school year to include measures of performance, cost of services to individual schools, and the school's satisfaction with the service. The information provided in SLAs and the process for gathering feedback from school communities will inform discussions regarding services that principals may opt to obtain from alternate providers in future years. School plans that may lead to requests for proposals will be brought back to the Board for consideration pursuant to Nevada Revised Statute 332.

If approved, the general fund allocation for the services will be transferred to school strategic budgets and schools will continue to purchase the services listed above from District Central Services using that allocation.

Discussion and possible action on the transfer of responsibilities for specified central services, as listed, utilizing service level agreements, pursuant to Assembly Bill 469 of the 2017 Legislative Session, is recommended.

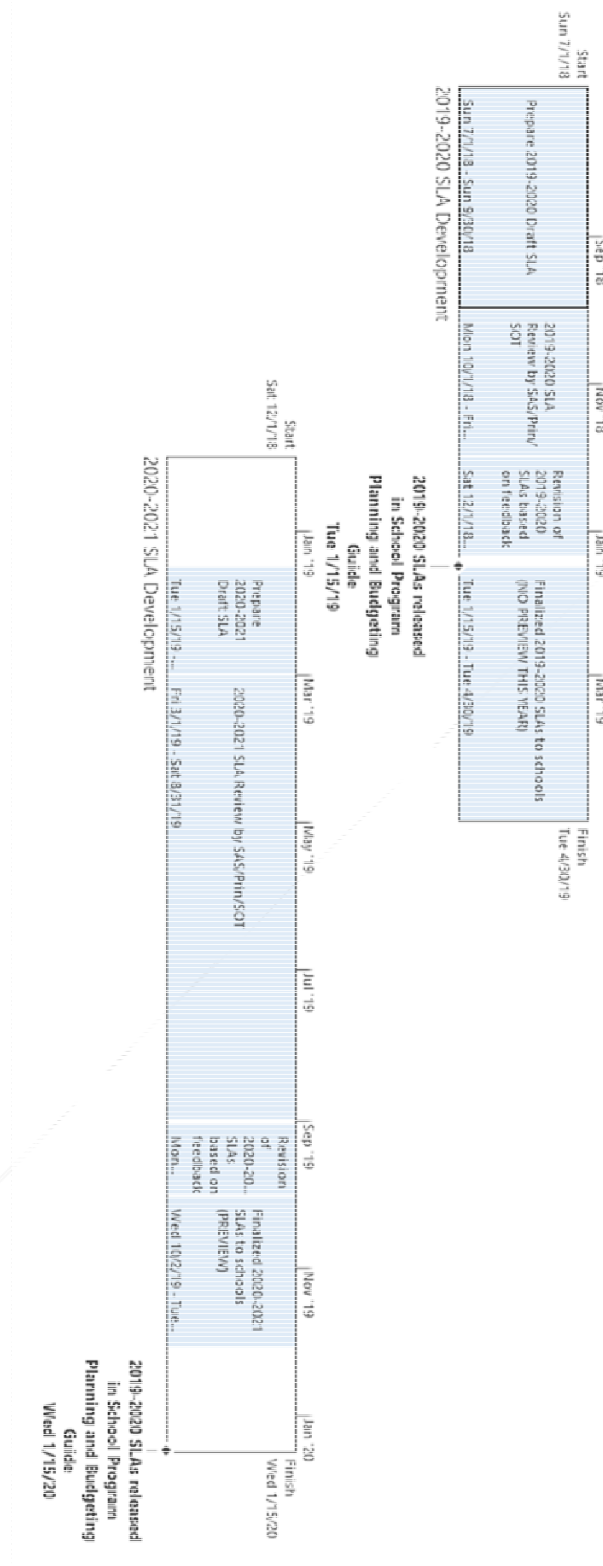
DRAFT Determining SLA Allocation Method



2/5/2018

Figure 1. Planned Timeline for 2018-2019 Service Level Agreements

Figure 3. Timeline for 2019-2020 and 2020-2021 Service Level Agreements



Clark County School District
Assembly Bill 469 Section 18 Reporting Requirements

Assembly Bill 469 requires that certain information be established by January 15 of each year and that, subsequently that information is posted online and made available to the public:

Sec. 18. 1. On or before January 15 of each year, the superintendent shall establish for the next school year:	Item	Amount*
(a) The estimated total amount of money to be received by the large school district from all sources, including any year-end balance that is carried forward, and shall identify the sources of such a year-end balance and whether the year-end balance is restricted. If the year-end balance is restricted, the superintendent shall identify the source of the restriction and the total of amount of money to be received by the large school district that is unrestricted. Money may only be identified as restricted if it is required by state or federal law, if it is proscribed by the Department or if it has been otherwise encumbered.	Estimated FY19 Total Amount of Money Received from All Sources	\$2,396,062,996
	Estimated FY19 Beginning Fund Balance <i>(restricted – encumbered per CCSD Regulation 3110)</i>	(\$18,953,996)
	Estimated FY19 Beginning Fund Balance <i>(restricted – non-spendable encumbered inventory)</i>	(\$4,000,000)
	Estimated FY19 Special Education Funds <i>(restricted funds to support Maintenance of Effort requirements)</i>	(\$484,507,293)
	Estimated FY19 Contribution to Ending Fund Balance <i>(restricted - encumbered per CCSD Regulation 3110)</i>	(\$8,496,285)
	Estimated FY19 Total Unrestricted Resources	\$1,880,105,422
(b) 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; and (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.	Estimated FY19 percentage of unrestricted funds that will be allocated to the local school precincts	87.63%
(c) The estimated amount of categorical funding to be received by the large school district and whether such funding is restricted in a manner that prohibits the large school district from including that categorical funding in the amount of funding per pupil that is allocated to the local school precincts.	Estimated FY19 Total Categorical Revenue (Including state and federal grants and Medicaid)	\$ 188,603,470
(d) The total estimated amount of money that will be allocated to each local school precinct as determined pursuant to section 20 of this act.	Estimated Total Amount Allocated to FY19 School Budgets	\$ 1,647,536,381

*All estimated figures were determined prior to receiving updated FY19 revenue estimates from the State of Nevada Department of Taxation or other funding sources.

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



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March 14, 2018

Superintendent Pat Skorkowsky
Clark County School District
5100 W. Sahara Avenue
Las Vegas, NV 89146

Dear Superintendent Skorkowsky,

Thank you for your letter dated January 31, 2018. Thank you for your continued work on the implementation of the reorganization of the Clark County School District (CCSD) as mandated by A.B. 469.

As you know, Section 19 of A.B. 469 requires the school district to allocate money on a per pupil basis and assign weights to categories of pupils that results in greater funding being allocated for pupils in those categories. CCSD made a request for a variance from the requirements for a weighted school funding formula, pursuant to section 19.2 of A.B. 469.

After reviewing the information provided, the Department has concluded that CCSD does not allocate money to schools on a per pupil basis. As stated in CCSD's letter, the district uses "an allocation model that aligns resources used at the school sites with student enrollment and staffing ratios as established in the District's Comprehensive Annual Budget Report (CABR)." Furthermore, the letter states that a per-pupil allocation is "not utilized to fund each school, but to simply provide a baseline calculation of what per pupil funding would be for schools."

Section 19 of A.B. 469 clearly states that money must be allocated to schools on a per pupil basis. In the Department's January 31st letter, the Department requests that CCSD work with the Department to produce a joint implementation plan to come into compliance with the provision in Section 19 of A.B. 469 that money be allocated on a per pupil basis to schools. The Department notes that it is currently conducting an assessment of the equity of using the average unit cost for budgeting for the local school precincts and its financial impact on local school precincts. That assessment is expected to be completed before July 1, 2018. Thus, the Department requests that CCSD continue to develop a process within the joint implementation plan to come into compliance with the provision in Section 19 of A.B. 469 that money be allocated on a per pupil basis to schools.

Regarding the District's request for variance, the Department finds that CCSD has produced sufficient information to grant a variance from the state's weighted funding formula for pupils with disabilities, as described in Section 19.1(c) of A.B. 469. This variance is granted for the budgets supporting the 2018/2019 academic year.

Superintendent Skorkowsky
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March 14, 2018

Thank you for your staff's diligence in this matter. If you have any questions, please feel free to reach out to me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Canavero", written in a cursive style.

Dr. Steve Canavero
Superintendent of Public Instruction