

**APPROVED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R036-18

Effective December 19, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-6, NRS 388G.590.

A REGULATION relating to education; requiring a large school district that reorganizes to establish a dispute resolution process to address issues relating to organizational team members; requiring local school precincts to enter into service level agreements when acquiring services from such a large school district; authorizing local school precincts to use money allocated as they deem appropriate; clarifying when money is considered allocated for the use of a local school precinct; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain large school districts to reorganize. (NRS 388G.500-388G.810) As part of the reorganization, each school within the large school district is designated a local school precinct. (NRS 388G.600) The principal of each local school precinct is required to establish an organizational team, consisting of the principal and various stakeholders who, among other things, provide assistance and advice to the principal regarding the plan of operation for the local school precinct. (NRS 388G.700, 388G.720, 388G.740) Existing law further authorizes the State Board of Education to adopt such regulations as it deems necessary and appropriate to carry out the provisions relating to the reorganization of large school districts. (NRS 388G.590) **Section 2** of this regulation requires the board of trustees of a large school district that is required to reorganize to establish a dispute resolution process to address issues relating to a member of an organizational team. **Section 2** also sets forth certain requirements for that process.

Existing law requires a large school district that reorganizes to transfer to the local school precinct certain responsibilities that had been carried out by the large school district. (NRS 388G.610) If the local school precinct then wishes to have the large school district carry out the responsibility, **section 3** of this regulation requires the principal of the local school precinct to enter into a service level agreement with the large school district and sets forth certain requirements for the agreement. **Section 4** of this regulation requires a large school district to determine the responsibilities that it will offer to provide for the local school precincts and to establish a draft service level agreement for that purpose. The draft agreements are required to be posted on or before January 15 of each year for the next school year. **Section 5** of this regulation

allows the principal of a local school precinct to use a draft service level agreement to negotiate the specific terms of the agreement.

Existing law requires the superintendent of a large school district that reorganizes to establish certain estimates regarding the money to be allocated to the local school precinct for the next school year. (NRS 388G.660) **Section 6** of this regulation allows the principal of a local school precinct to determine the manner in which to use money that is allocated, including whether to use the money to carry out the responsibility that was transferred, or to use it in another way. In addition, **section 6** clarifies that money is only considered allocated by law if the money is included in the portion of the budget for the local school precinct over which the local school precinct has control and discretion with respect to the manner in which the money may be used.

Section 1. Chapter 388G of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. 1. *The board of trustees of a large school district shall establish a dispute resolution process for issues relating to retaliation and reprisal as a result of the performance of duties as a member of an organizational team for a local school precinct established pursuant to NRS 388G.700.*

2. A dispute resolution process established pursuant to subsection 1 must include a requirement that:

(a) A large school district must respond within 5 business days after the date on which a request for dispute resolution is received by the school district. Such a response must be made in writing on a form prescribed by the board of trustees of the school district.

(b) All disputes must be resolved within 15 business days after the date on which a request for dispute resolution is received by the school district.

(c) Within 30 business days after the date on which a request for dispute resolution is received by the school district, the school district shall:

(1) Prepare a report regarding the dispute resolution and provide the report to the parties involved in the dispute resolution.

(2) Post the report prepared pursuant to subparagraph (1) on the Internet website maintained by the school district. The school district shall redact from such a report any information that could be used to identify the parties involved in the dispute resolution.

3. A party involved in a dispute may, within 10 business days after the date on which the person receives a report pursuant to subparagraph (1) of paragraph (c) of subsection 2, file with the Department a request that the Department resolve the dispute. Such a request must include a:

(a) Letter that states the reason the party is dissatisfied with the outcome of the dispute resolution by the school district and requests the Department to resolve the dispute;

(b) Copy of the report provided pursuant to subparagraph (1) of paragraph (c) of subsection 2; and

(c) Signed declaration that waives any applicable right of the person to the confidentiality of information concerning the dispute.

4. Within 10 business days after the date on which the Department receives a request to resolve a dispute pursuant to subsection 3, the Department shall:

(a) Determine whether resolution by the Department is warranted. The Department shall determine that such resolution is warranted if it determines, based on the information provided in the request made pursuant to subsection 3, there is reason to believe that the decision of the school district was erroneous.

(b) Notify the school district and the person who made the request of its decision.

5. If the Department determines that resolution by the Department is warranted pursuant to paragraph (a) of subsection 4, the Department shall provide the names of approved hearing officers to the parties involved in the dispute and invite each party to indicate to the Department a preference regarding which hearing officer the party would like to be selected.

6. The Department shall, within 5 business days after the last day on which a party indicates its preference regarding a hearing officer pursuant to subsection 5, arrange for a 3-hour dispute resolution session before:

(a) The hearing officer for whom the school district expressed a preference;

(b) The hearing officer for whom the other person involved in the dispute expressed a preference, if such an officer is different from the person for whom the school district expressed a preference; and

(c) A hearing officer selected by the Department.

7. The Department shall, within 10 business days after the date on which a dispute resolution session is held pursuant to subsection 6, compile a report regarding the dispute resolution and provide a copy of that report to the parties involved in the dispute.

8. If the Superintendent of Public Instruction finds that a school district has failed to comply with the requirements of this section, the Superintendent of Public of Instruction may request the board of trustees of the school district to submit to the Superintendent of Public Instruction a plan of corrective action pursuant to NRS 385.175. Such a request and any response to such a request by the school district must be made available to members of the public upon request.

Sec. 3. 1. If authority to carry out a responsibility is transferred from a large school district to a local school precinct pursuant to NRS 388G.610, and the local school precinct

wishes to have the large school district carry out the responsibility, the large school district must enter into a service level agreement with the principal of the local school precinct.

2. A service level agreement entered into pursuant to this section must describe, without limitation:

(a) The purpose of the responsibility to be carried out by the large school district;

(b) Any laws, policies or regulations applicable to the manner in which the responsibility is carried out;

(c) The roles and responsibilities remaining with the local school precinct or the principal with respect to the responsibility;

(d) A description of the scope of the responsibility which the large school district will carry out and the manner in which the quality of any services provided will be measured; and

(e) A description of any actions that a local school precinct may take if it is not satisfied with the manner in which the large school district carries out the responsibility pursuant to the agreement.

3. A service level agreement entered into pursuant to this section must include the amount of money which the local school precinct agrees to pay the large school district to carry out the responsibility described in the agreement.

Sec. 4. 1. *Each school year, a large school district shall determine which responsibilities it will offer to provide for a local school precinct for the next school year and establish a draft service level agreement for the provision of that responsibility. The large school district shall provide each draft service level agreement to each school associate superintendent.*

2. Upon receipt of the draft service level agreements pursuant to subsection 1, a school associate superintendent must meet with the principal of each local school precinct for which he or she is responsible to review and solicit comments on the standard draft service level agreement.

3. The school associate superintendent shall compile a report of the comments received from principals and provide that report to the superintendent of the large school district. The superintendent of the large school district shall finalize each draft service level agreement for the next school year after receiving and considering such reports.

4. On or before January 15 of each year, the superintendent of a large school district shall publish and make available to the principals of local school precincts each draft service level agreement for responsibilities for which the large school district is willing to enter into a service level agreement to carry out for local school precincts for the next school year.

Sec. 5. 1. *The principal of a local school precinct that wishes to enter into a service level agreement with the large school district may use a draft service level agreement created pursuant to section 4 of this regulation to negotiate the specific terms of the service level agreement.*

2. If a service level agreement includes assignment of staff from central services, the service level agreement shall be deemed to satisfy the requirements set forth in subsection 6 of NRS 388G.610.

3. A service level agreement must not provide:

(a) Central services with supervisory authority over the principal of the local school precinct or any member of the staff who works under the direct supervision of the principal;
or

(b) The principal of a local school precinct or any member of the staff who works under the direct supervision of the principal with supervisory authority over a member of the staff of central services.

Sec. 6. 1. *The principal of a local school precinct may, in accordance with a plan of operation developed pursuant to NRS 388G.700, determine the manner in which to use money allocated to the local school precinct pursuant to NRS 388G.660, including, without limitation, whether to use the money allocated to carry out a responsibility for which the local school precinct has been transferred authority or use the money allocated in another way.*

2. Money shall be deemed allocated to a local school precinct pursuant to NRS 388G.660 only when the money is included in the portion of the budget for the local school precinct over which the local school precinct has control and discretion with respect to the manner in which the money is used.