

**PROPOSED REGULATION OF THE  
DEPARTMENT OF EDUCATION**

**LCB FILE NO. R036-18I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 02/27/2018**

## NEVADA DEPARTMENT OF EDUCATION

### New Language

NAC 388G

**Protections against retaliation/reprisal:** In order for local school precincts to exercise the full extent of their autonomy afforded under Assembly Bill 469, a complete and open exchange of ideas must be encouraged. Assembly Bill 469 extended protections to members of each local precinct's School Organizational Team to encourage active participation by the public. In order to encourage the free flow of ideas and innovation, the regulations seek to create a dispute resolution process and extend protections against retaliation or reprisal to school organizational team members. As a pretext to these regulations it is assumed that the Large School District will ensure a complaint about a CCSD employee is handled appropriately and in accordance with existing policy and negotiated collective bargaining agreement.

- Establishing a dispute resolution process, beginning at the district then appealable to the state. Each step in the process shall include timelines.
  - The District shall adopt a dispute resolution process for issues related to retaliation and reprisal arising from the performance of duties on a school organizational team.
  - Within 5 business days of a request for dispute resolution the school district must respond in writing.
  - The District's dispute resolution process, at a minimum, shall create a procedure for the resolution of disputes related to retaliation and reprisal within 15 business days
  - Within 30 business days of the request for dispute resolution, the District must provide a report of dispute resolution with appropriate redactions to ensure the privacy of all parties, on the district website.
  - After undergoing the district's dispute resolution process, the complainant may file a request for dispute resolution related to retaliation and reprisal arising from the performance of duties on a school organizational team with the Nevada Department of Education within 10 business days after receiving the district's report of dispute resolution.
- A request for dispute resolution to the Department must include:
  - A letter requesting state dispute resolution and the reasons for dissatisfaction with the outcome of the district's dispute resolution process
  - The district's report of dispute resolution
  - A signed declaration that waives the complainant's applicable confidentiality rights.
- Within 10 business days of receiving a request for state dispute resolution, the Department shall send a letter to the District and the complainant, determining whether state dispute resolution is warranted.

- If the Department finds that state dispute resolution is warranted, the Department shall provide a list of approved mediators for state dispute resolution and invite the District and the complainant to indicate a preference for a mediator within 5 business days of receipt of the letter.
- Within 5 business days of receipt of the parties' preferences for mediator, the Department shall set an up to three-hour dispute resolution session with:
  - The mediator for whom the complainant expressed preference;
  - The mediator for whom the District expressed preference, and;
  - A mediator chosen by the Department
- The Department shall issue a report of state dispute resolution within 10 business days of the state dispute resolution session.
- The Department may request a plan of corrective action with suggested changes to be made by the local district pursuant to the Superintendent of Public Instruction's authority under state law. The request for a corrective action plan and any local response would be made public.

**Establish the Service Level Agreement; minimum standards;** terms and conditions; and when an SLA is required: the SLAs clarify the “transfer authority to each local school precinct to carry out responsibilities” in Sec. 16(1), the procurement of “such equipment, services, and supplies” provision under Sec. 16.2(c), the “any other responsibility for which service is transferred” provision under Sec. 16.2(e), the “made in consultation” provision under Sec. 16(6) and the “list of services that may be obtained” provision under Sec 17(1)(b).

- If the Board of Trustees approves a transfer responsibility for a service to local school precincts pursuant to Sec. 16.7, the district may develop service level agreements to satisfy the requirements of the statute under Secs. 16.2(c), 16.2(e), 16.6, and 17.1(b)
- At a minimum, a service level agreement shall:
  - Describe the purpose of the service provided for under the agreement;
  - Describe any laws, policies, regulations, or administrative directives pertaining to the delivery of the service;
  - Describe the roles and responsibilities of the local school precinct in purchasing the service from Central Services;
  - Describe site-based decision-making that the principal of the local school precinct has over the provision of the service, if any;
  - Define the scope of work and measures of quality for the service provided by Central Services, if applicable;
  - Define the recourse that a local school precinct has if it is dissatisfied with the service provided under the service agreement, and;
  - Define the fee for the service provided by Central Services to be charged to the local school precinct budget which will be included in the local school precinct budget.
- For services which responsibility is transferred to local school precincts pursuant to Section 16.7 of A.B. 469 and service level agreements are developed:

- The 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.
- Such money shall be considered allocated to local school precincts for purposes of compliance with Section 18.1(b) of A.B. 469 if a local school precinct has authority over the service as described in Sec. 16.2 of A.B. 469.
- The District shall submit draft service level agreements to school associate superintendents annually.
- School Associate Superintendents shall meet with the principals of local school precincts to review and solicit comments on draft service level agreements annually.
- School Associate Superintendents shall provide a report on that feedback to the Superintendent annually.
- Based on that feedback, the Superintendent shall determine whether to make changes to draft service level agreements for the next school year.
- The Superintendent shall finalize, publish, and make available to principals service level agreements on or before January 15th of each year.
- The principal of a local school precinct shall have the authority to either:
  - Negotiate and enter into a service level agreement with Central Services; or
  - Select a district qualified outside vendor, or;
  - Utilize the additional money allocated to them pursuant to Section 18.1(b) of A.B. 469 to carry out the responsibility at the school site with on-site employees or if there is no local, state, or federal law mandating the responsibility, to utilize the funding for another purpose relevant to educating students.
  - No provision of this regulation shall be construed to require local school precincts to enter into service level agreements with Central Services for services which responsibility is transferred to local school precincts pursuant to Section 16.7 of A.B. 469.
- No provision of a service level agreement shall be construed to give Central Services supervisory authority over the principal of the local school precinct, nor the staff who work under the supervision of the principal. Likewise, no provision of a service level agreement shall be construed to give the principal or staff of a local school precinct supervisory authority over Central Services staff.
- The execution of a service level agreement for a particular service shall satisfy the requirement of consultation regarding the assignment and any subsequent reassignment of the member of Central Services to local school precincts, as outlined in Sec. 16.6 of A.B. 469, for that service.

### **Define Small Rural School**

Small rural schools are not subject to the provisions of Section 16.8 of A.B. 469 and include the following local school precincts:

- Blue Diamond Elementary School
- Goodsprings Elementary School

- Harry Reid Elementary School
- Indian Springs Middle School
- Indian Springs High School
- Lundy Elementary School
- Sandy Valley Middle School\*
- Sandy Valley High School\*

\*Combined for budgeting purposes.

#### **Clarify the Term Allocate**

- Money shall be considered allocated to local school precincts if:
  - It is placed into local school precinct budgets through a per-pupil allocation or board action pursuant to Section 16 of A.B. 469