

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB FILE NO. R065-22I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 05/06/2022**

State Board of Education Proposed Draft Regulation Language  
Non-Compliance and Consequences

*Nevada Administrative Code (NAC) 388G.XXX*

*1. The Powers of the Superintendent of Public Instruction to ensure the reorganization of the large school district include, but are not limited to:*

- (a) Issuance of a Notice of Non-Compliance describing any deficiencies in the reorganization of the large school district to the Board of Trustees of a large school district and the Superintendent of Schools.*
- (b) At any time after the issuance of a Notice of Non-Compliance, require the development and implementation of a Plan of Corrective Action within forty-five days of receipt of the requirement to develop and implement a Plan of Corrective Action, subject to the approval of the Superintendent of Public Instruction, to address the deficiencies noted in the Notice of Non-Compliance.*
- (c) At any time after the issuance of a Notice of Non-Compliance, appoint a Compliance Monitor(s) to assess reorganization including, but not limited to, the deficiencies noted in the Notice of Non-Compliance and provide recommendations for improvement. A Compliance Monitor(s) must:
  - (1) Have requisite skills that align to the deficiencies.*
  - (2) Assess the reorganization and any deficiencies noted by the Superintendent of Public Instruction and review or provide assistance in the development and implementation of any Plan of Corrective Action required by the Superintendent of Public Instruction.*
  - (3) Provide written reports to the board of trustees, no less than quarterly, on their assessment of the reorganization.*
  - (4) Provide monthly reports and additional reports as requested to the Superintendent of Public Instruction.**
- (d) At any time after the issuance of a Notice of Non-Compliance, and after a Compliance Monitor(s) has been appointed to assess the reorganization, require the Superintendent of Schools of the large district and the school district Board of Trustees to:
  - (1) Place the assessment of the reorganization report on the Board of Trustees agenda, no less than once monthly, of its regular meeting.*
  - (2) Provide the Compliance Monitor(s) with access to attend any and all meetings including, but not limited to, board of trustee meetings, executive or cabinet level meetings, principal meetings, and stakeholder meetings.*
  - (3) Compensate the Compliance Monitor(s) commensurate with their qualifications and experience, as determined by the Superintendent of Public Instruction, as well as reimburse for any reasonable and necessary expenses incurred in performing the duties of the distinguished educator.*
  - (4) Provide the Compliance Monitor(s) with complete executive level employee access as outlined in any employment agreement or contract, the terms of which are subject to the approval of the Superintendent of Public Instruction.**
- (e) Not less than one hundred eighty calendar days after the Issuance of Notice of Non-Compliance, and if the large school district is still not in compliance with NRS 388G.500 through 388G.810, order a hearing to be held before the State Board*

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*of Education, inclusive of the Compliance Monitor(s), at which the Superintendent of Schools of the large district and the president of the board of trustees of the large district shall appear to explain the district's continued non-compliance; and at the conclusion of the hearing, the State Board of Education shall make a recommendation to the Superintendent of Public Instruction if the large school district should be placed in a partial or full receivership.*

*(f) At any time after receiving the State Board's recommendation may place a large school district in receivership. The Superintendent of Public Instruction shall then appoint a receiver, whose power, authority and duties shall be effective on the date of the receiver's appointment by the Superintendent of Public Instruction. Subject to the terms of the receivership as decided by the Superintendent of Public Instruction, once appointed, the receiver may perform any of the following actions:*

- (1) Override any decisions of the Superintendent of Schools of a large school district or the Board of Trustees, or both, concerning the areas subject to receivership as determined by the Superintendent of Public Instruction, and initiate and make decisions concerning the areas subject to receivership as determined by the Superintendent of Public Instruction to achieve compliance.*
- (2) Attend any and all meetings of the of the large school district including, but not limited to, board of trustee meetings, executive or cabinet level meetings, principal meetings, and stakeholder meetings.*
- (3) Supervise any related day-to-day activities of the large school district's staff, including reassigning the duties and responsibilities of personnel in a manner that, in the determination of the receiver, best suits the needs of the large school district to achieve compliance.*
- (4) Provide progress reports to the Superintendent of Public Schools and other reports as required by the Superintendent of Public Instruction.*
- (5) Reorganize the large school district to bring it into compliance with NRS 388G.500 through 388G.810. This includes, but is not limited to, reorganizing policies and regulations, management, budgetary systems, departments, divisions, and any other areas needed to bring the large school district into compliance.*
- (6) Negotiate or renegotiate employment contracts to bring them into compliance with NRS 388G.500 through 388G.810, including but not limited to, with recognized bargaining units.*
- (7) Provide monthly reports and additional reports as requested to the Superintendent of Public Instruction.*

*(g) Following the appointment of a receiver by the Superintendent of Public Instruction, the large school district shall:*

- (1) Compensate the receiver and any staff hired or appointed by the*

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- receiver commensurate with their qualifications and experience, as determined by the Superintendent of Public Instruction, as well as reimburse them for any reasonable and necessary expenses incurred in performing their duties.*
- (2) Indemnify the receiver and any staff hired or appointed by the receiver who is made or threatened to be made a party to any litigation by reason of their status under this Title if the receiver or staff acted in good faith and in a manner that the receiver or staff reasonably believed to be consistent with the best interest of the large school district and if the receiver or staff had no reasonable cause to believe that the conduct was unlawful.*
- (3) Place the assessment of the reorganization report on the Board of Trustees agenda, no less than once monthly, of its regular meeting.*
- (4) Provide the receiver with complete executive level employee access as outlined in any employment agreement or contract, the terms of which are subject to the approval of the Superintendent of Public Instruction.*
- (h) Remove the large school district from receivership and dismiss the receiver and dismiss any staff appointed or hired by the receiver thirty days after the large school district is in compliance with NRS 388G.500 through 388G.810.*
- (i) At any time after removal from receivership, may reinstate the receivership if the large school district does not maintain compliance of the items of deficiency outlined in the initial Notice of Non-Compliance.*