

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

LCB File No. R065-22

July 22, 2022

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

AUTHORITY: § 1, NRS 388G.580 and 388G.590.

A REGULATION relating to education; establishing certain powers of the Superintendent of Public Instruction to carry out the reorganization of a large school district; setting forth the qualifications, powers and duties of a compliance monitor to oversee the reorganization of a large school district; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the reorganization of any school district which has more than 100,000 pupils enrolled in its public schools. (NRS 388G.500-388G.810) Existing law requires the State Board of Education to adopt regulations necessary and appropriate to carry out the provisions relating to the reorganization of large school districts. (NRS 388G.590) Existing law also requires the Superintendent of Public Instruction to take necessary and appropriate actions to ensure the reorganization of a large school district. (NRS 388G.580)

This regulation authorizes the Superintendent of Public Instruction to take certain actions relating to the reorganization of large school districts, including, without limitation: (1) issuing a notice of noncompliance to the board of trustees and superintendent of schools of a large school district; (2) requesting a plan of corrective action from the board of trustees and superintendent of schools of a large school district; (3) appointing a compliance monitor to oversee the reorganization of a large school district; and (4) ordering a hearing to require the president of the board of trustees and the superintendent of schools of a large school district to explain the noncompliance of the large school district. This regulation also sets forth the qualifications and duties of a compliance monitor, who must: (1) possess the skills and knowledge necessary to perform the prescribed duties; (2) assess the reorganization of a large school district; (3) review the development and implementation of a plan of corrective action; and (4) provide written reports to the board of trustees and the Superintendent of Public Instruction.

Section 1. Chapter 388G of NAC is hereby amended by adding thereto a new section to read as follows:

To ensure that each large school district carries out the reorganization of the school district in accordance with the provisions of this chapter and NRS 388G.500 to 388G.810, inclusive, the Superintendent of Public Instruction may:

1. Issue a notice of noncompliance to the board of trustees and the superintendent of schools of a large school district setting forth each instance identified by the Superintendent of Public Instruction in which the district has failed to comply with the provisions of this chapter and NRS 388G.500 to 388G.810, inclusive.

2. At any time after the issuance of a notice of noncompliance pursuant to subsection 1, request a plan of corrective action from the board of trustees and the superintendent of schools of the large school district to address any instance of noncompliance identified in the notice. The board of trustees and the superintendent of schools of the large school district shall develop and implement the plan of corrective action, subject to the approval of the Superintendent of Public Instruction, within 45 days after receiving the request for the plan.

3. At any time after the issuance of a notice of noncompliance pursuant to subsection 1, appoint one or more compliance monitors to assess the reorganization of the large school district and provide recommendations for compliance. A compliance monitor:

(a) Must possess the skills and knowledge necessary to perform the prescribed duties.

(b) Shall assess the reorganization of the large school district and any instance of noncompliance identified in the notice of noncompliance pursuant to subsection 1.

(c) Shall review the development and implementation of a plan of corrective action requested by the Superintendent of Public Instruction pursuant to subsection 2, if any, and provide assistance to the board of trustees and the superintendent of schools of the large school district in the development and implementation of the plan.

(d) Shall provide a written report assessing the reorganization not less often than quarterly to the board of trustees of the large school district.

(e) Shall provide a monthly report assessing the reorganization to the Superintendent of Public Instruction and any additional reports requested by the Superintendent of Public Instruction.

4. At any time after the issuance of a notice of noncompliance pursuant to subsection 1 and the appointment of a compliance monitor pursuant to subsection 3, require the board of trustees and the superintendent of schools of the large school district to:

(a) Not less often than once per month, place the most recent written report provided by the compliance monitor pursuant to paragraph (d) of subsection 3 on the agenda of a regular meeting of the board of trustees of the large school district.

(b) Allow a compliance monitor appointed pursuant to subsection 3 to attend any meetings related to the reorganization and operation of the large school district, including, without limitation, any meeting of the board of trustees of the large school district, any meeting of any executive or cabinet members of the large school district, any meeting of any principals of schools of the large school district and any meeting of any interested stakeholders.

(c) Compensate the compliance monitor at a rate determined by the Superintendent of Public Instruction, based on the qualifications and experience of the compliance monitor, and reimburse the compliance monitor for any reasonable and necessary expenses incurred in performing the prescribed duties of the compliance monitor.

(d) Subject to the approval of the Superintendent of Public Instruction, provide a compliance monitor with the same access to any building, information or resource of the large school district as the superintendent of schools of the large school district and any additional

resources, including, without limitation, office space and equipment, necessary for the compliance monitor to perform the duties of the position. The provisions set forth in this paragraph must be included in the employment contract of the compliance monitor.

5. If, at least 180 days after the issuance of a notice of noncompliance pursuant to subsection 1, the Superintendent of Public Instruction determines that the large school district remains noncompliant with the provisions of this chapter and NRS 388G.500 to 388G.810, inclusive, order a hearing to be held before the State Board and in the presence of the compliance monitor, at which the president of the board of trustees and the superintendent of schools of the large school district must appear to explain the continued noncompliance of the large school district.