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Governor

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Superintendent of
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December 4, 2020

Dr. Jesus Jara
Superintendent
Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89146

Dear Superintendent Jara,

During a public meeting held on November 12, 2020, the Nevada State Board of Education directed the Nevada Department of Education (NDE) to formally investigate concerns and allegations regarding Clark County School District's (CCSD) implementation of Assembly Bill (AB) 469, currently Nevada Revised Statutes (NRS) 388G.500 – 388G.810. Pursuant to NRS 388G.580, each large school district (CCSD) is required to cooperate with the State Superintendent of Public Instruction in carrying out the provisions of NRS 388G.500 – 388G.810 inclusive, including without limitation, by providing any financial or other information that NDE requests and any information needed to ensure that the intent of the provisions of NRS 388G.500 – 388G.810 inclusive are carried out.

In an effort to address concerns and allegations regarding CCSD's full compliance of NRS 388G.500 – 388G.810, NDE hereby requests that CCSD administration provide a written response to the questions contained in this correspondence and provide additional information as described in the request. NDE requests that CCSD administration provide this reply by close of business on Wednesday, December 16, 2020.

1) Placement of License and Qualified Teachers in Vacant Classrooms

Claims:

- CCSD's Teacher Lottery during the Involuntary Transfer/Surplus Process and CCSD's resulting forced placements of the Unselected Teachers at local school precincts are not permitted under AB 469/NRS 388G.610 and CCSD has yet to meaningfully transfer site-based decision-making authority to local schools.
- Principals allege that the District is failing to honor their right to hire staff as specified by NRS 388G.610.
- It is alleged that vacant positions in CCSD are being filled by substitutes instead of qualified licensed teachers.
- It is alleged that a practice is underway that discriminates against older licensed educators and, in some cases, against minority educators.

Please provide the following information:

- Provide a written description of the Teacher Lottery process that was utilized during the most-recent Fall period of the Licensed Involuntary Transfer/Surplus process. Explain how this process conforms to requirements set forth by AB 469/NRS 388G.610. Submit written justification explaining why a lottery is being utilized in this way to place teachers or any other employees.
- Specify how many licensed educator vacancies existed at the close of the most recent Licensed Involuntary Transfer/Surplus process. Provide a written list identifying each of these vacancies.
- Were there any teachers that were not selected and had to be placed in the Teacher Lottery following the most recent surplus process?
 - If so, how many teachers were not selected and had to be placed in the Teacher Lottery? Provide a demographic breakdown of the teachers not selected or placed in the Teacher Lottery for placement at school precincts. Identify the names of each of these teachers and subject areas.
- How many long-term/vacancy substitutes are currently employed in CCSD schools?
 - Provide a list of all long-term/vacancy substitutes assignments by school, effective as of the date of this letter.
 - How many of the long-term/vacancy substitutes are in Title I schools? Supply a list showing each.
- Are principals permitted to hire a long-term/vacancy substitute if there is a licensed and qualified teacher available?
 - If so, describe the circumstances under which this is permitted. If principals are not permitted, describe why principals are not permitted.
- What changes were made to each employee association collective bargaining agreement to conform to AB 469 as outlined in the 2018 Plan for the Implementation of Actions to Finalize Compliance with Assembly Bill 469 (2017)?
 - If no changes have been made to any of the employee association collective bargaining agreements to conform to AB 469, please provide a justification as to why the changes have not been made, a status of negotiations, and any related timelines.
- Has CCSD received and investigated any formal complaints regarding principals and discriminatory hiring practices related to any employee group during the surplus process? If so, please indicate how many complaints were filed and how they were resolved and/or addressed. Provide a list identifying each complaint, including a description of the complainant age, gender, and the date each complaint was filed with the District.
- For all open teaching positions, how many qualified licensed applicants are available, specific to only the open teaching positions?
- Please provide a demographic description of the pool of available qualified licensed candidates, including gender, age, and race-ethnicity.

2) Purchase of Equipment, Services, and Supplies Available from the District by Schools

Claims:

- Despite legal requirements under NRS, on or before January 15, 2020, the CCSD Superintendent did not first consult with the principals, school associate superintendents, and organizational teams of each local school precinct before determining the need for any additional authority that is not listed in NRS 388G.610, subsection 2, related to a data dashboard; further, if the CCSD Superintendent did make such a determination, the

CCSD Superintendent did not disseminate notice of that determination to affected principals, school associate superintendents, and organizational teams of each local school precinct that was affected.

- CCSD did not notify local school precincts by January 15, 2020 of a service, specifically a data dashboard, 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.
- CCSD notified local school precincts on September 4, 2020, of a service, specifically a data dashboard, that a local school precinct may obtain from the large school district.

Please provide the following information:

- Did the CCSD Superintendent, on or before January 15, 2020, determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority specific to a data dashboard? If so, what was the “additional authority?”
 - Additionally, was there a recommendation to transfer authority to one or more local school precincts submitted for approval by the board of trustees of the large school district related to a data dashboard? If so, what did the recommendation say and when was it submitted to the Board of School Trustees?
- Did CCSD, on or before January 15, 2020, make public a list of equipment, services, and supplies that a principal and 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?
 - If so, where and when was the list published? Please provide the list.
- Did CCSD, on or before January 15, 2020, notify principals and the local school precincts by January 15, 2020 of a District-provided service, specifically a data dashboard, and make public that a local school precinct may obtain a data dashboard from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and/or supplies?
 - If so, please provide a copy of the notification. If the notification was after January 15, 2020, please provide the notification sent to principals and the local school precincts and identify the date the notification was sent and the manner by which the District provided the notification to principals.

3) School Carry Forward of Year-end Balance

Claims:

- CCSD schools recorded a total of approximately \$67 million in carryover funds in 2018-2019 and a total of approximately \$142 million in carryover funds in 2019-2020.
- The major source of carryover dollars is salary savings.
- The District decision to carry forward funds and the management of the funds (\$67 million in 2018-2019 and \$142 million in 2019-2020) are in conflict with statutory requirements and legislative intent.
- Money should be spent on student instruction and support.

Please provide the following information:

- Of the approximate \$142 million of fiscal year 2020 (FY20) reported carryover dollars, how much of this amount has been committed (will be spent) by schools in FY21?

- How is CCSD accounting for any such amount that is carried forward as a restricted fund balance?
 - Provide each school's FY20 carryover amount and their plan to spend the carryover dollars in FY21.
- Why is the carryover money made available to schools in the Fall and why is carryover money not made available to schools in late spring/early summer?
 - If carryover money is not made available until the Fall, does this impact the ability for schools to spend it on staffing or needed resources to support instruction for the current school year? Please explain.
- Is any of the carryover attributed to COVID-19?
 - If so, please explain and provide details.
- Is there any evidence of a principal or principals intentionally holding positions and/or employing long-term/vacancy substitutes so that school carryover dollars can be expanded?
 - If so, please explain and provide details of how the District is addressing this.
 - If so, explain why this practice is problematic.

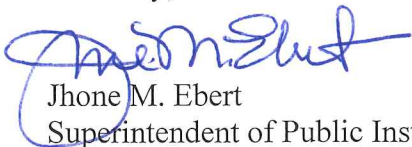
4) Other concerns and questions raised by State Board Members during the November 12, 2020 meeting include:

- Some schools have not posted current School Organization Team (SOT) agendas, minutes, and School Plans of Operation on school websites.
 - Please provide a list of schools that have not posted current SOT agendas, minutes, and School Plans of Operation on school websites.
 - How does the CCSD Superintendent determine the extent of SOT operation and the degree of SOT engagement?

Please note that any non-compliance of the previously mentioned NRS could result in the adoption of regulations. Under NRS 388G.590, the *“State Board shall adopt such regulation as it deems necessary and appropriate to carry out the provisions of NRS 388G.500 to 388G.810.”*

Should you have any questions, please contact Deputy Superintendent of Educator Effectiveness and Family Engagement Felicia Gonzales at fgonzales@doe.nv.gov.

Sincerely,



Jhone M. Ebert
Superintendent of Public Instruction

cc: Elaine Wynn, President of the Nevada State Board of Education
Lola Brooks, President of the Clark County School District Board of Trustees