

## NEVADA STATE EDUCATION ASSOCIATION

### SENATE BILL 224



**BACKGROUND:** In 2017, Assembly Bill 469 reorganized the Clark County School District (CCSD), decentralizing much decision-making authority to individual schools, called local school precincts. It also required at least 80% of the CCSD budget be controlled at the local school level. Language in AB469 states each local school precinct shall have the authority to select staff who work under the direct supervision of the principal. This language caused a great deal of confusion for both the district and education support professionals (ESPs) with conflicting language on transfers and reassignments in existing contract language. NSEA's affiliate, the Education Support Employees Association (ESEA) maintains it was never the intent of AB469 to override contract language on this issue. Unfortunately, a 2017 Attorney General's opinion disagreed.

Previously, the surplus process in CCSD allowed the district to balance staffing with decreasing student enrollment. ESPs with the lowest seniority in their position went through the surplus process when schools could no longer afford their position. This process had nothing to do with job performance. While the surplus process could be stressful for the employee, nearly everyone was placed in a new position at the end of the day. ESEA promoted the process as a positive for the district and the employees. Last fall, acting on the 2017 opinion, CCSD began requiring education support professionals to interview with a school principal as a part of the surplus process, with over 50 ESPs going through this new process. Several ESPs were rejected for a lateral position through no fault of their own, at a principal's discretion.

Serious questions of racial bias have been raised. *"I was asked to leave through no fault of mine. I am a 15-year employee, looking to be placed in a lateral position. After going through the process, I was required to interview which was extremely uncomfortable. I felt like the principal and team were discriminating based on my race and dreadlocks. They did not tell me I had the lateral position when I left. I have already passed probation and have proved myself in the district, yet because my current site cannot afford me, I have to interview all over again? I got rejected twice. Why should I stay a Special Education Aide if this is how I will be treated?"*

#### **EMPLOYEE-MANAGEMENT RELATIONS BOARD**

**DECISION:** This issue was brought before the Employee-Management Relations Board (EMRB). On December 7, 2020, the EMRB rendered a decision rejecting the Attorney General's 2017 Opinion and rejected various arguments regarding the authority held by principals in a surplus or reduction in force situation. This ruling was greatly appreciated halting the surplus process at CCSD, but the issue is not settled and a legislative fix is necessary.

**WHAT DOES THE BILL DO?** This bill would clarify that in a large school district (i.e. CCSD), contract language that establish procedures for the transfer or reassignment of employees in a surplus or reduction-in-force situation take precedent over language in NRS 388G.610 (AB469-CCSD reorganization).

**WHY IS SB224 GOOD POLICY?** NSEA and ESEA have been concerned that the surplus process will lead to wide spread discrimination and set the district back in its diversity goals. Senate Bill 224 will provide and ensure clarity and fairness in the employee surplus process. With SB224, the consistent application of the surplus process across the district will help resolve any employee confusion with district work practices.