

SENATE BILL NO. 148—SENATORS LANGE; DALY AND DONATE

FEBRUARY 14, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to local school precincts. (BDR 34-160)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

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

AN ACT relating to education; prohibiting a local school precinct from employing or otherwise procuring the services of certain personnel for a school; providing that the superintendent of a large school district is responsible for making certain personnel decisions; requiring local school precincts to transfer a certain amount of money to the county school district fund at the end of each fiscal year under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the superintendent of a large school district to transfer  
2 authority to a local school precinct to carry out certain responsibilities, including,  
3 without limitation, the supervision of the staff of the local school precinct and the  
4 procurement of equipment, services and supplies for the local school precinct.  
5 Existing law requires the large school district to carry out all other responsibilities  
6 necessary for the operation of the local school precinct and the large school district,  
7 including the maintenance of the school and custodial services. (NRS 388G.610)  
8 **Section 2** of this bill prohibits a local school precinct from employing or otherwise  
9 procuring the services of a person to carry out any responsibility that has not been  
10 transferred to the local school precinct.

11 If a person is assigned from the large school district to a local school precinct,  
12 existing law requires the superintendent of the large school district to consult with  
13 the principal of the local school precinct and the associate superintendent of the  
14 local school precinct before making a decision as to the assignment or any  
15 reassignment of such a person. (NRS 388G.610) **Section 2** provides that the  
16 superintendent is responsible, after such consultation, for making any decision  
17 concerning the assignment of a person from the large school district to the local  
18 school precinct or the reassignment of a person.



19 Existing law requires each school district to transfer to the Education  
20 Stabilization Account any amount by which the balance of the county school  
21 district fund at the close of a fiscal year exceeds 16.6 percent of the total budgeted  
22 expenditures for the fund. (NRS 387.1213) **Section 3** of this bill similarly requires  
23 each local school precinct of a large school district to transfer to the county school  
24 district fund any amount by which the year-end balance of the local school precinct  
25 at the close of the immediately preceding fiscal year exceeds 16.6 percent of the  
26 total budgeted expenditures for the local school precinct for that fiscal year. **Section**  
27 **1** of this bill requires a large school district to make the required transfer from the  
28 county school district fund to the Education Stabilization Account after the amounts  
29 are transferred from the local school precincts to the county school district fund of  
30 the large school district pursuant to **section 3**.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 387.1213 is hereby amended to read as  
2 follows:  
3 387.1213 1. The Education Stabilization Account is hereby  
4 created in the State Education Fund. Except as otherwise provided  
5 in subsections 3 and 4, each year after the close of the previous  
6 fiscal year *and, for a large school district, after each local school*  
7 *precinct in the large school district has transferred any amount*  
8 *from the local school precinct to the county school district fund of*  
9 *the large school district pursuant to subsection 3 of NRS 388G.690*  
10 and before the issuance of the State Controller's annual report, each  
11 county school district shall transfer from the county school district  
12 fund to the Education Stabilization Account any amount by which  
13 the budgeted ending fund balance of the county school district fund  
14 exceeds 16.6 percent of the total budgeted expenditures for the fund.  
15 The interest and income earned on the money in the Account, after  
16 deducting any applicable charges, must be credited to the Account.  
17 2. Money transferred pursuant to subsection 1 to the Education  
18 Stabilization Account is a continuing appropriation solely for the  
19 purpose of authorizing the expenditure of the transferred money for  
20 the purposes set forth in this section.  
21 3. The balance in the Educational Stabilization Account must  
22 not exceed 15 percent of the total of all appropriations and  
23 authorizations from the State Education Fund, excluding the  
24 Education Stabilization Account, for the immediately preceding  
25 fiscal year. Any money transferred to the Education Stabilization  
26 Account which exceeds this amount must instead be transferred to  
27 the State Education Fund.  
28 4. If the Interim Finance Committee finds that:  
29 (a) Upon submission of a request from the Department, the  
30 actual enrollment growth for a fiscal year exceeds the projected



1 enrollment growth by an amount that the Interim Finance  
2 Committee determines would make a transfer of money to the State  
3 Education Fund necessary to fund the excess enrollment; or

4 (b) The collection of revenue in any fiscal year will result in the  
5 State Education Fund receiving 97 percent or less of the money  
6 authorized for expenditure from the State Education Fund,

7 ↪ the Committee shall by resolution establish an amount of money  
8 to transfer from the Education Stabilization Account to the State  
9 Education Fund and direct the State Controller to transfer that  
10 amount to the State Education Fund. The State Controller shall  
11 thereupon make the transfer.

12 5. The balance remaining in the State Education Fund,  
13 excluding the balance remaining in the Education Stabilization  
14 Account, that has not been committed for expenditure on or before  
15 June 30 of an odd-numbered fiscal year must be transferred to the  
16 Education Stabilization Account to the extent that such a transfer  
17 would not cause the balance in the Education Stabilization Account  
18 to exceed the limit established in subsection 3.

19 **6. As used in this section:**

20 (a) ***“Large school district” has the meaning ascribed to it in***  
21 ***NRS 388G.530.***

22 (b) ***“Local school precinct” has the meaning ascribed to it in***  
23 ***NRS 388G.535.***

24 **Sec. 2.** NRS 388G.610 is hereby amended to read as follows:

25 388G.610 1. Except as otherwise provided in this section, the  
26 superintendent shall transfer authority to each local school precinct  
27 to carry out responsibilities in accordance with this section and the  
28 plan of operation approved for the local school precinct.

29 2. The superintendent shall transfer to each local school  
30 precinct the authority to carry out the following responsibilities:

31 (a) Select for the local school precinct the:

32 (1) Teachers;

33 (2) Administrators other than the principal; and

34 (3) Other staff who work under the direct supervision of the  
35 principal.

36 (b) Direct the supervision of the staff of the local school  
37 precinct, including, without limitation, taking any necessary  
38 disciplinary action which does not involve a violation of law or  
39 which does not require an investigation to comply with the law.

40 (c) ~~Procure~~ ***Except as otherwise provided in this paragraph,***  
41 ***procure*** such equipment, services and supplies as the local school  
42 precinct deems necessary or advisable to carry out the plan of  
43 operation for the local school precinct. Equipment, services and  
44 supplies may be procured from the large school district in which the  
45 local school precinct is located or elsewhere, but such procurement



1 must be carried out in accordance with the applicable policies of the  
2 large school district. *Unless such authority has been transferred to*  
3 *a local school precinct pursuant to subsection 7, a local school*  
4 *precinct may not employ or otherwise procure the services of a*  
5 *person to carry out any responsibility necessary for the operation*  
6 *of the local school precinct that is the responsibility of the large*  
7 *school district, including, without limitation, any services listed in*  
8 *subsection 3.*

9 (d) Develop a balanced budget for the local school precinct for  
10 the use of the money allocated to the local school precinct, which  
11 must include, without limitation, the manner in which to expend any  
12 money not used for the purposes described in paragraphs (a), (b) and  
13 (c).

14 (e) Any other responsibility for which authority is transferred  
15 pursuant to subsection 7.

16 3. Except as otherwise provided in subsection 7, a large school  
17 district shall remain responsible for paying for and carrying out all  
18 other responsibilities necessary for the operation of the local school  
19 precincts and the large school district which have not been  
20 transferred to the local school precincts pursuant to subsection 2,  
21 including, without limitation, responsibility for:

22 (a) Negotiating the salaries, benefits and other conditions of  
23 employment of administrators, teachers and other staff necessary for  
24 the operation of the local school precinct;

25 (b) Transportation services;

26 (c) Food services;

27 (d) Risk management services;

28 (e) Financial services, including payroll services;

29 (f) Qualifying employees for any position within the large  
30 school district;

31 (g) Services to promote and ensure equity and diversity;

32 (h) Services to ensure compliance with all laws relating to civil  
33 rights;

34 (i) Identification, evaluation, program placement, pupil  
35 assignment and other services provided to pupils pursuant to the  
36 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et  
37 seq., and the regulations adopted pursuant thereto, or pursuant to  
38 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and  
39 the regulations adopted pursuant thereto;

40 (j) Legal services;

41 (k) Maintenance and repair of buildings;

42 (l) Maintenance of the grounds of the local school precinct;

43 (m) Custodial services;

44 (n) Implementation of the master plan developed for English  
45 learners;



- 1 (o) Internal audits;
- 2 (p) Information technology services;
- 3 (q) Police services;
- 4 (r) Emergency management services;
- 5 (s) Carrying out state mandated assessments and accountability
- 6 reports;
- 7 (t) Capital projects; and
- 8 (u) Utilities.

9 4. To the greatest extent possible, the principal of a local  
10 school precinct shall select teachers who are licensed and in good  
11 standing before selecting substitutes to teach at the local school  
12 precinct. The principal, in consultation with the organizational team,  
13 shall make every effort to ensure that effective licensed teachers are  
14 employed at the local school precinct.

15 5. If a large school district is unable to provide any necessary  
16 maintenance or repair of the buildings or grounds of a local school  
17 precinct in a timely manner, the large school district must, at the  
18 expense of the large school district, procure any equipment, services  
19 and supplies necessary from another entity or business to provide  
20 such maintenance or repair for the local school precinct or take any  
21 other necessary action.

22 6. To the extent that any member of the staff of central services  
23 is assigned to provide services at a local school precinct on a  
24 temporary or permanent basis, the *superintendent must make any*  
25 *decision regarding the assignment and any subsequent reassignment*  
26 *of the member of the staff ~~{must be made in consultation}~~ , after*  
27 *consulting* with the principal of the local school precinct and the  
28 school associate superintendent.

29 7. On or before January 15 of each year, the superintendent  
30 shall determine, in consultation with the principals, school associate  
31 superintendents and organizational teams of each local school  
32 precinct, any additional authority that is not listed in subsection 2 to  
33 recommend transferring to one or more local school precincts. Such  
34 authority may include the authority to carry out any of the  
35 responsibilities listed in subsection 3 which is not prohibited by law,  
36 other than the responsibility for capital projects, if it is determined  
37 that transferring the authority will serve the best interests of the  
38 pupils. The recommendation to transfer authority to one or more  
39 local school precincts must be submitted for approval by the board  
40 of trustees of the large school district. The board of trustees of the  
41 large school district shall consider such a recommendation and  
42 determine whether to approve the transfer of additional authority at  
43 its next regularly scheduled meeting if submitted within 5 working  
44 days before the next regularly scheduled meeting and otherwise the  
45 recommendation shall be considered at the following meeting.



1 8. If the authority to carry out any responsibility is transferred  
2 to a local school precinct pursuant to subsection 7, the large school  
3 district must allocate additional money to the local school precinct  
4 in an amount equal to the amount that would otherwise be paid by  
5 the large school district to carry out the responsibility.

6 **Sec. 3.** NRS 388G.650 is hereby amended to read as follows:

7 388G.650 1. On or before January 15 of each year, to assist  
8 the local school precincts in preparing their budgets for the next  
9 school year, the superintendent shall establish and make public:

10 (a) The average unit cost for each type of employee employed to  
11 work at a local school precinct which is determined based upon the  
12 average unit cost across the large school district. A separate average  
13 unit cost must be established for teachers and substitute teachers,  
14 respectively.

15 (b) A list of equipment, services and supplies that a local school  
16 precinct may obtain from the large school district using the money  
17 allocated to the local school precinct and the cost for such  
18 equipment, services and supplies. The cost of such equipment,  
19 services and supplies must not exceed the actual cost to the large  
20 school district to provide the equipment, services and supplies to the  
21 local school precinct.

22 2. ~~Each~~ *Except as otherwise provided in subsection 3, each*  
23 local school precinct must carry forward its year-end balance to the  
24 next school year for use by the local school precinct. The large  
25 school district must account for any such amount that is carried  
26 forward as a restricted fund balance.

27 3. *Not later than 45 days after the close of the immediately*  
28 *preceding fiscal year, each local school precinct shall transfer to*  
29 *the county school district fund any amount by which the year-end*  
30 *balance of the local school precinct for the immediately preceding*  
31 *fiscal year exceeds 16.6 percent of the total budgeted expenditures*  
32 *for the local school precinct for the immediately preceding fiscal*  
33 *year.*

34 **Sec. 4.** 1. This section and section 2 of this act become  
35 effective on July 1, 2023.

36 2. Sections 1 and 3 of this act become effective on January 1,  
37 2024.

