

SENATE BILL NO. 251—SENATOR FLORES

MARCH 13, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to employees of school districts. (BDR 34-685)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to school districts; revising provisions governing the authority of a large school district to negotiate certain conditions of employment; revising provisions governing mandatory subjects of collective bargaining relevant to school districts; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a local government employer, which includes a school  
2 district, to enter into a collective bargaining agreement with an employee  
3 organization and requires the employer to negotiate in good faith concerning certain  
4 subjects, including policies for the transfer and reassignment of teachers and  
5 procedures for a reduction in workforce. (NRS 288.060, 288.150, 388G.610)

6 **Section 2** of this bill adds policies for the transfer and reassignment of employees  
7 of a school district who are not teachers to the mandatory scope of collective  
8 bargaining for a local government employer. **Section 2** provides that the mandatory  
9 scope of collective bargaining with respect to policies for the transfer and  
10 reassignment of employees of a school district includes policies for the transfer and  
11 reassignment of employees of a large school district: (1) during or in response to a  
12 reduction in workforce; or (2) in a surplus situation, which is defined as an event  
13 that occurs when the services of one or more employees are no longer needed at  
14 their current worksite on a temporary or permanent basis due to certain  
15 circumstances.

16 Existing law requires the superintendent of a large school district to transfer to  
17 each local school precinct the authority to select the teachers, administrators other  
18 than the principal and other staff that work under the direct supervision of the  
19 principal of the local school precinct, but provides that the large school district  
20 remains responsible for negotiating the salaries, benefits and other conditions of  
21 employment of administrators, teachers and other staff necessary for the operation  
22 of the local school precinct. (NRS 388G.610) **Section 1** of this bill provides that,  
23 despite the transfer of certain authority to carry out responsibilities to a local school



24 precinct, a large school district remains responsible for negotiating the policies for  
25 the transfer and reassignment of employees of the school district, including policies  
26 that provide placement rights to employees affected by surplus situations and  
27 during or in response to a reduction in workforce.

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

1       **Section 1.** NRS 388G.610 is hereby amended to read as  
2 follows:

3       388G.610 1. Except as otherwise provided in this section, the  
4 superintendent shall transfer authority to each local school precinct  
5 to carry out responsibilities in accordance with this section and the  
6 plan of operation approved for the local school precinct.

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

9       (a) ~~[Select]~~ *Except as otherwise provided in subsection 3 and*  
10 *NRS 288.150, the selection* for the local school precinct of the:

11           (1) Teachers;

12           (2) Administrators other than the principal; and

13           (3) Other staff who work under the direct supervision of the  
14 principal.

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

19       (c) Procure such equipment, services and supplies as the local  
20 school precinct deems necessary or advisable to carry out the plan of  
21 operation for the local school precinct. Equipment, services and  
22 supplies may be procured from the large school district in which the  
23 local school precinct is located or elsewhere, but such procurement  
24 must be carried out in accordance with the applicable policies of the  
25 large school district.

26       (d) Develop a balanced budget for the local school precinct for  
27 the use of the money allocated to the local school precinct, which  
28 must include, without limitation, the manner in which to expend any  
29 money not used for the purposes described in paragraphs (a), (b) and  
30 (c).

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

33       3. Except as otherwise provided in subsection 7, a large school  
34 district shall remain responsible for paying for and carrying out all  
35 other responsibilities necessary for the operation of the local school  
36 precincts and the large school district which have not been



1 transferred to the local school precincts pursuant to subsection 2,  
2 including, without limitation, responsibility for:

3 (a) Negotiating the salaries, benefits and other conditions of  
4 employment of administrators, teachers and other staff necessary for  
5 the operation of the local school precinct ~~[-]~~ ***and the large school***  
6 ***district, including, without limitation, negotiating pursuant to NRS***  
7 ***288.150 the policies for the transfer and reassignment of***  
8 ***employees, including, without limitation, policies that provide***  
9 ***placement rights to employees affected by surplus situations or***  
10 ***during or in response to a reduction in workforce;***

11 (b) Transportation services;

12 (c) Food services;

13 (d) Risk management services;

14 (e) Financial services, including payroll services;

15 (f) Qualifying employees for any position within the large  
16 school district;

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

18 (h) Services to ensure compliance with all laws relating to civil  
19 rights;

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

26 (j) Legal services;

27 (k) Maintenance and repair of buildings;

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

29 (m) Custodial services;

30 (n) Implementation of the master plan developed for English  
31 learners;

32 (o) Internal audits;

33 (p) Information technology services;

34 (q) Police services;

35 (r) Emergency management services;

36 (s) Carrying out state mandated assessments and accountability  
37 reports;

38 (t) Capital projects; and

39 (u) Utilities.

40 4. To the greatest extent possible, the principal of a local  
41 school precinct shall select teachers who are licensed and in good  
42 standing before selecting substitutes to teach at the local school  
43 precinct. The principal, in consultation with the organizational team,  
44 shall make every effort to ensure that effective licensed teachers are  
45 employed at the local school precinct.



1 5. If a large school district is unable to provide any necessary  
2 maintenance or repair of the buildings or grounds of a local school  
3 precinct in a timely manner, the large school district must, at the  
4 expense of the large school district, procure any equipment, services  
5 and supplies necessary from another entity or business to provide  
6 such maintenance or repair for the local school precinct or take any  
7 other necessary action.

8 6. To the extent that any member of the staff of central services  
9 is assigned to provide services at a local school precinct on a  
10 temporary or permanent basis, the decision regarding the assignment  
11 and any subsequent reassignment of the member of the staff must be  
12 made in consultation with the principal of the local school precinct  
13 and the school associate superintendent.

14 7. On or before January 15 of each year, the superintendent  
15 shall determine, in consultation with the principals, school associate  
16 superintendents and organizational teams of each local school  
17 precinct, any additional authority that is not listed in subsection 2 to  
18 recommend transferring to one or more local school precincts. Such  
19 authority may include the authority to carry out any of the  
20 responsibilities listed in subsection 3 which is not prohibited by law,  
21 other than the responsibility for capital projects, if it is determined  
22 that transferring the authority will serve the best interests of the  
23 pupils. The recommendation to transfer authority to one or more  
24 local school precincts must be submitted for approval by the board  
25 of trustees of the large school district. The board of trustees of the  
26 large school district shall consider such a recommendation and  
27 determine whether to approve the transfer of additional authority at  
28 its next regularly scheduled meeting if submitted within 5 working  
29 days before the next regularly scheduled meeting and otherwise the  
30 recommendation shall be considered at the following meeting.

31 8. If the authority to carry out any responsibility is transferred  
32 to a local school precinct pursuant to subsection 7, the large school  
33 district must allocate additional money to the local school precinct  
34 in an amount equal to the amount that would otherwise be paid by  
35 the large school district to carry out the responsibility.

36 *9. As used in this section, "surplus situation" has the*  
37 *meaning ascribed to it in NRS 288.150.*

38 **Sec. 2.** NRS 288.150 is hereby amended to read as follows:

39 288.150 1. Except as otherwise provided in subsection 6 and  
40 NRS 354.6241, every local government employer shall negotiate in  
41 good faith through one or more representatives of its own choosing  
42 concerning the mandatory subjects of bargaining set forth in  
43 subsection 2 with the designated representatives of the recognized  
44 employee organization, if any, for each appropriate bargaining unit



1 among its employees. If either party so requests, agreements reached  
2 must be reduced to writing.

3 2. The scope of mandatory bargaining is limited to:

4 (a) Salary or wage rates or other forms of direct monetary  
5 compensation.

6 (b) Sick leave.

7 (c) Vacation leave.

8 (d) Holidays.

9 (e) Other paid or nonpaid leaves of absence.

10 (f) Insurance benefits.

11 (g) Total hours of work required of an employee on each  
12 workday or workweek.

13 (h) Total number of days' work required of an employee in a  
14 work year.

15 (i) Except as otherwise provided in subsections 8 and 11,  
16 discharge and disciplinary procedures.

17 (j) Recognition clause.

18 (k) The method used to classify employees in the bargaining  
19 unit.

20 (l) Deduction of dues for the recognized employee organization.

21 (m) Protection of employees in the bargaining unit from  
22 discrimination because of participation in recognized employee  
23 organizations consistent with the provisions of this chapter.

24 (n) No-strike provisions consistent with the provisions of this  
25 chapter.

26 (o) Grievance and arbitration procedures for resolution of  
27 disputes relating to interpretation or application of collective  
28 bargaining agreements.

29 (p) General savings clauses.

30 (q) Duration of collective bargaining agreements.

31 (r) Safety of the employee.

32 (s) Teacher preparation time.

33 (t) Materials and supplies for classrooms.

34 (u) Except as otherwise provided in subsections 9 and 11, the  
35 policies for the transfer and reassignment of ~~teachers~~ *employees*  
36 *of a school district, including, without limitation, policies for the*  
37 *transfer and reassignment of employees of a large school district:*

38 *(1) In a surplus situation; or*

39 *(2) During or in response to a reduction in workforce.*

40 (v) Procedures for reduction in workforce consistent with the  
41 provisions of this chapter.

42 (w) Procedures consistent with the provisions of subsection 6  
43 for the reopening of collective bargaining agreements for additional,  
44 further, new or supplementary negotiations during periods of fiscal  
45 emergency.



1 3. Those subject matters which are not within the scope of  
2 mandatory bargaining and which are reserved to the local  
3 government employer without negotiation include:

4 (a) Except as otherwise provided in paragraph (u) of subsection  
5 2, the right to hire, direct, assign or transfer an employee, but  
6 excluding the right to assign or transfer an employee as a form of  
7 discipline.

8 (b) The right to reduce in force or lay off any employee because  
9 of lack of work or lack of money, subject to paragraph (v) of  
10 subsection 2.

11 (c) The right to determine:

12 (1) Appropriate staffing levels and work performance  
13 standards, except for safety considerations;

14 (2) The content of the workday, including without limitation  
15 workload factors, except for safety considerations;

16 (3) The quality and quantity of services to be offered to the  
17 public; and

18 (4) The means and methods of offering those services.

19 (d) Safety of the public.

20 4. The provisions of NRS 245.063, 268.4069 and 391.1605 are  
21 not subject to negotiations with an employee organization. Any  
22 provision of a collective bargaining agreement negotiated pursuant  
23 to this chapter which differs from or conflicts in any way with the  
24 provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable  
25 and void.

26 5. If the local government employer is a school district, any  
27 money appropriated by the State to carry out increases in salaries or  
28 benefits for the employees of the school district is subject to  
29 negotiations with an employee organization.

30 6. Notwithstanding the provisions of any collective bargaining  
31 agreement negotiated pursuant to this chapter, a local government  
32 employer is entitled to:

33 (a) Reopen a collective bargaining agreement for additional,  
34 further, new or supplementary negotiations relating to compensation  
35 or monetary benefits during a period of fiscal emergency.  
36 Negotiations must begin not later than 21 days after the local  
37 government employer notifies the employee organization that a  
38 fiscal emergency exists. For the purposes of this section, a fiscal  
39 emergency shall be deemed to exist:

40 (1) If the amount of revenue received by the general fund of  
41 the local government employer during the last preceding fiscal year  
42 from all sources, except any nonrecurring source, declined by 5  
43 percent or more from the amount of revenue received by the general  
44 fund from all sources, except any nonrecurring source, during the  
45 next preceding fiscal year, as reflected in the reports of the annual



1 audits conducted for those fiscal years for the local government  
2 employer pursuant to NRS 354.624; or

3 (2) If the local government employer has budgeted an  
4 unreserved ending fund balance in its general fund for the current  
5 fiscal year in an amount equal to 4 percent or less of the actual  
6 expenditures from the general fund for the last preceding fiscal year,  
7 and the local government employer has provided a written  
8 explanation of the budgeted ending fund balance to the Department  
9 of Taxation that includes the reason for the ending fund balance and  
10 the manner in which the local government employer plans to  
11 increase the ending fund balance.

12 (b) Take whatever actions may be necessary to carry out its  
13 responsibilities in situations of emergency such as a riot, military  
14 action, natural disaster or civil disorder. Those actions may include  
15 the suspension of any collective bargaining agreement for the  
16 duration of the emergency.

17 ↪ Any action taken under the provisions of this subsection must not  
18 be construed as a failure to negotiate in good faith.

19 7. The provisions of this chapter, including without limitation  
20 the provisions of this section, recognize and declare the ultimate  
21 right and responsibility of the local government employer to manage  
22 its operation in the most efficient manner consistent with the best  
23 interests of all its citizens, its taxpayers and its employees.

24 8. If the sponsor of a charter school reconstitutes the governing  
25 body of a charter school pursuant to NRS 388A.330, the new  
26 governing body may terminate the employment of any teachers or  
27 other employees of the charter school, and any provision of any  
28 agreement negotiated pursuant to this chapter that provides  
29 otherwise is unenforceable and void.

30 9. The board of trustees of a school district in which a school is  
31 designated as a turnaround school pursuant to NRS 388G.400 or the  
32 principal of such a school, as applicable, may take any action  
33 authorized pursuant to NRS 388G.400, including, without  
34 limitation:

35 (a) Reassigning any member of the staff of such a school; or

36 (b) If the staff member of another public school consents,  
37 reassigning that member of the staff of the other public school to  
38 such a school.

39 10. Any provision of an agreement negotiated pursuant to this  
40 chapter which differs from or conflicts in any way with the  
41 provisions of subsection 9 or imposes consequences on the board of  
42 trustees of a school district or the principal of a school for taking  
43 any action authorized pursuant to subsection 9 is unenforceable and  
44 void.



1 11. The board of trustees of a school district or the governing  
2 body of a charter school or university school for profoundly gifted  
3 pupils may use a substantiated report of the abuse or neglect of a  
4 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366  
5 obtained from the Statewide Central Registry for the Collection of  
6 Information Concerning the Abuse or Neglect of a Child established  
7 by NRS 432.100 or an equivalent registry maintained by a  
8 governmental agency in another jurisdiction for the purposes  
9 authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or  
10 391.281, as applicable. Such purposes may include, without  
11 limitation, making a determination concerning the assignment,  
12 discipline or termination of an employee. Any provision of any  
13 agreement negotiated pursuant to this chapter which conflicts with  
14 the provisions of this subsection is unenforceable and void.

15 12. This section does not preclude, but this chapter does not  
16 require, the local government employer to negotiate subject matters  
17 enumerated in subsection 3 which are outside the scope of  
18 mandatory bargaining. The local government employer shall discuss  
19 subject matters outside the scope of mandatory bargaining but it is  
20 not required to negotiate those matters.

21 13. Contract provisions presently existing in signed and ratified  
22 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

23 14. As used in this section [~~“abuse”~~]:

24 (a) “*Abuse* or neglect of a child” has the meaning ascribed to it  
25 in NRS 392.281.

26 (b) “*Large school district*” has the meaning ascribed to it in  
27 NRS 388G.530.

28 (c) “*Surplus situation*” means an event that occurs when the  
29 services of one or more employees are no longer needed at their  
30 current worksite on a temporary or permanent basis, due to:

31 (1) *A change in pupil enrollment in a large school district,*  
32 *an area of a large school district or one or more local school*  
33 *precincts;*

34 (2) *A change in a pupil-staff allocation formula; or*

35 (3) *A change in the academic needs of pupils throughout a*  
36 *large school district, in an area of a large school district or in one*  
37 *or more local school precincts.*

38 **Sec. 3.** This act becomes effective on July 1, 2023.

