

SENATE BILL NO. 344—SENATOR NEAL

MARCH 20, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-4)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 11) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 education; prohibiting certain practices that impede public comment at meetings of boards of trustees of large school districts and local school precincts; requiring large school districts to undergo certain audits regardless of the availability of certain funds; revising provisions governing the qualifications for the hiring of certain school officials; requiring evaluations for certain school officials; prohibiting certain governing bodies from using certain methods to support, sponsor or operate a charter school; requiring all employers to provide paid leave for certain employees to attend certain school meetings; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law provides certain requirements governing the conduct of meetings
- 2 held by the board of trustees of a school district. (NRS 386.330) Existing law also
- 3 provides certain requirements governing open meetings, including requirements
- 4 governing the access of all persons to such meetings that are held either in a
- 5 physical location or through a remote technology system and providing notice of
- 6 such meetings. (NRS 241.020) **Section 1** of this bill prohibits the board of trustees
- 7 of a large school district from impeding, interfering with or discouraging public
- 8 comment during a meeting.
- 9 Existing law requires the principal of a local school precinct to present a plan of
- 10 operation for the local school precinct at a public meeting held at the local school
- 11 precinct to which the plan of operation applies. (NRS 388G.710) Existing law also



12 provides certain requirements governing notice of meetings of an organizational
13 team for a local school precinct. (NRS 388G.730) **Sections 5 and 6** of this bill
14 prohibit the principal and organizational team from discouraging public comment
15 during such meetings.

16 Existing law requires, in general, that, to the extent that money is made
17 available by the Legislature, each school district undergo an audit every 6 years to
18 determine its adherence to certain financial management principles. (NRS 387.607,
19 387.613, 387.622) **Section 2** of this bill requires that large school districts undergo
20 such an audit regardless of the availability of money from the Legislature.

21 Existing law requires the superintendent of schools of a large school district to
22 assign a school associate superintendent to oversee local school precincts. Existing
23 law also requires the superintendent to interview candidates in the event of a
24 vacancy in the position of school associate superintendent. (NRS 388G.620)
25 Existing law prescribes the duties of a school associate superintendent and requires
26 the school associate superintendent to be held accountable for all aspects of the
27 performance of the local school precincts to which he or she is assigned to oversee.
28 (NRS 388G.630) Existing law authorizes the board of trustees of a school district to
29 employ a superintendent of schools. (NRS 391.110) **Section 3** of this bill requires a
30 candidate for the position of school associate superintendent to possess at least 5
31 years of experience with academic achievement and pupil performance as an
32 employee of a public school in this State. **Section 8** of this bill requires a candidate
33 for the position of superintendent of schools to possess at least 10 years of such
34 experience. **Section 4** of this bill requires a school associate superintendent to
35 undergo an annual evaluation based on an objective evaluation policy developed by
36 the board of trustees of a school district in which the school associate
37 superintendent is assigned to oversee, which includes, without limitation, an
38 evaluation of the effectiveness of the school associate superintendent at improving
39 the academic achievement and performance of pupils. **Section 7** of this bill
40 establishes similar provisions for a superintendent of schools.

41 Existing law requires an employer in private employment who has 50 or more
42 employees in this State to provide a certain amount of paid leave to an employee.
43 Existing law authorizes an employer to impose certain limitations on the accrual
44 and use of paid leave and exempts certain employers from the requirements of
45 existing law. (NRS 608.0197) In addition to this existing paid leave, **section 12** of
46 this bill requires such an employer to provide to an employee who is the parent or
47 legal guardian of a child as much leave as required for the purpose of attending any
48 meeting of the school or school district: (1) in which the child of an employee is
49 enrolled; and (2) at which the attendance of a parent or legal guardian is
50 encouraged or required. **Section 11** of this bill similarly requires an employee in the
51 public service to be granted as much administrative leave as is required for the
52 purpose of attending such meetings. **Section 13** of this bill makes a conforming
53 change to indicate the proper placement of **section 12** in the Nevada Revised
54 Statutes.

55 **Sections 9 and 10** of this bill prohibit the governing bodies of counties and
56 cities in this State from: (1) sponsoring or operating a charter school; (2)
57 establishing a corporation for public benefit or a nonprofit organization to sponsor
58 or operate a charter school; (3) expending money to provide direct or indirect
59 support to a charter school; or (4) awarding a grant to a corporation for public
60 benefit or a nonprofit organization for the purpose of supporting or operating a
61 charter school.



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

1 **Section 1.** NRS 386.330 is hereby amended to read as follows:

2 386.330 1. The board of trustees shall hold a regular meeting
3 at least once each month, at such time and place as the board shall
4 determine.

5 2. Special meetings of the board of trustees shall be held at the
6 call of the president whenever there is sufficient business to come
7 before the board, or upon the written request of three members of
8 the board.

9 3. The clerk of the board of trustees shall give written notice of
10 each special meeting to each member of the board of trustees by
11 personal delivery of the notice of the special meeting to each trustee
12 at least 1 day before the meeting, or by mailing the notice to each
13 trustee's residence of record, by deposit in the United States mails,
14 postage prepaid, at least 4 days before the meeting. The notice shall
15 specify the time, place and purpose of the meeting. If all of the
16 members of the board of trustees are present at a special meeting,
17 the lack of notice shall not invalidate the proceedings of the board of
18 trustees.

19 4. A majority of the members of the board of trustees shall
20 constitute a quorum for the transaction of business, and no action of
21 the board of trustees shall be valid unless such action shall receive,
22 at a regularly called meeting, the approval of a majority of all the
23 members of the board of trustees.

24 5. In any county whose population is 55,000 or more, the board
25 of trustees may cause each meeting of the board to be broadcast on a
26 television station created to provide community access to cable
27 television by using the facilities of the school district, county or any
28 city located in the county. The board of trustees and the county or
29 city shall cooperate fully with each other to determine:

30 (a) The feasibility of televising the meetings of the board of
31 trustees;

32 (b) The costs to televise the meetings of the board of trustees for
33 each proposed method of televising; and

34 (c) The number of potential viewers of the meetings of the board
35 of trustees for each proposed method of televising.

36 6. *In addition to complying with all applicable requirements*
37 *of chapter 241 of NRS, the board of trustees of a large school*
38 *district, as defined in NRS 388G.530, may not impede or interfere*
39 *with the ability of a member of the public to give comment during*
40 *a meeting or engage in any practice to discourage members of the*
41 *public from giving comment, including, without limitation, by*
42 *requiring:*



1 *(a) A request to be filed on an Internet website of the board of*
2 *trustees before giving public comment; or*

3 *(b) A member of the public to obtain the permission of the*
4 *board of trustees or any employee of the board of trustees before*
5 *giving public comment.*

6 **Sec. 2.** NRS 387.607 is hereby amended to read as follows:

7 387.607 **1.** The provisions of NRS 387.602 to 387.644,
8 inclusive, apply ~~only~~:

9 *(a) To each large school district, as defined in NRS 388G.530;*
10 *and*

11 *(b) To all other school districts,* to the extent that money is
12 made available by the Legislature to carry out the provisions of
13 those sections.

14 **2.** The Legislative Counsel Bureau may accept gifts, grants and
15 other sources of money to provide financial assistance in expanding
16 the number of school districts selected for reviews pursuant to NRS
17 387.602 to 387.644, inclusive.

18 **Sec. 3.** NRS 388G.620 is hereby amended to read as follows:

19 388G.620 **1.** The superintendent shall assign a school
20 associate superintendent to oversee one or more local school
21 precincts.

22 **2.** Whenever a vacancy occurs in the position of school
23 associate superintendent, the superintendent shall post notice of the
24 vacancy. The superintendent shall interview qualified candidates for
25 the vacant position. *A qualified candidate must have at least 5*
26 *years of experience with the academic achievement and*
27 *performance of pupils as an employee of a public school in this*
28 *State.*

29 **3.** At least one, but not more than two representatives of the
30 principals of the local school precincts overseen by the vacant
31 position must be allowed to participate in interviewing candidates
32 for the vacant position. If the local governmental agency which has
33 the most schools that are overseen by the vacant position is:

34 *(a) A city, the governing body of the city may appoint one*
35 *representative to participate in interviewing candidates for the*
36 *vacant position.*

37 *(b) Not a city, the board of county commissioners for the county*
38 *in which the large school district is located may appoint one*
39 *representative to participate in interviewing candidates for the*
40 *vacant position.*

41 ~~[3.]~~ **4.** Each person who participates in interviewing
42 candidates pursuant to subsection 2 shall comply with all laws that
43 apply to an employer when making a decision about employment.

44 ~~[4.]~~ **5.** Upon completion of the interviews pursuant to
45 subsection 2 and before the superintendent makes a final



1 determination about which candidate to hire, the superintendent
2 must notify the governing body of the city or the board of county
3 commissioners for the county, as applicable, regarding the candidate
4 whom the superintendent intends to hire. After receiving such
5 notice, the governing body of the city or the board of county
6 commissioners, as applicable, may hold a public meeting within 10
7 days to question the superintendent and the candidate for the vacant
8 position and receive public input. After any such meeting or, if no
9 such meeting is held, after 10 days, the superintendent shall, in his
10 or her sole discretion, hire a candidate for the vacant position.

11 ~~5.~~ 6. After the school associate superintendent is hired, the
12 superintendent may, in his or her sole discretion, reassign and make
13 other employment decisions concerning the school associate
14 superintendent.

15 **Sec. 4.** NRS 388G.630 is hereby amended to read as follows:

16 388G.630 1. A school associate superintendent shall, with
17 respect to each local school precinct to which he or she is assigned
18 to oversee:

19 (a) Provide training to and supervise the principal of the local
20 school precinct;

21 (b) Review and approve the plan of operation for the local
22 school precinct and assist the principal of the local school precinct
23 in making any necessary revisions to the plan;

24 (c) Ensure that each local school precinct to which he or she is
25 assigned to oversee remains in compliance with all applicable
26 federal, state and local laws;

27 (d) Provide a report in person, not less than quarterly, to the
28 governing body of each city and county within which a local school
29 precinct to which he or she is assigned to oversee is located and, if
30 created pursuant to NRS 388G.760, to the Community Education
31 Advisory Board; and

32 (e) Carry out any other duties assigned by the superintendent at
33 his or her discretion or after approval by the superintendent of a
34 request made by the local school precinct.

35 2. *Each board of trustees of a school district, following*
36 *consultation with and involvement of elected representatives of*
37 *administrative personnel or their designated representatives, shall*
38 *develop an objective policy for the objective evaluation of a school*
39 *associate superintendent. The school associate superintendent*
40 *must receive one evaluation during each school year of his or her*
41 *employment. Such an evaluation must include, without limitation,*
42 *an evaluation of the effectiveness of the school associate*
43 *superintendent in improving the academic achievement and*
44 *performance of pupils in the local school precincts to which he or*
45 *she is assigned to oversee based upon any relevant data in the*



1 *annual report of accountability prepared pursuant to NRS*
2 *385A.070. The evaluation of the effectiveness of the school*
3 *associate superintendent in improving the academic achievement*
4 *and performance of pupils must constitute at least 25 percent of*
5 *the annual evaluation of the school associate superintendent.*

6 3. The school associate superintendent must be held
7 accountable for all aspects of the performance of each local school
8 precinct to which he or she is assigned to oversee. As used in this
9 subsection, "performance" means the overall operation of each such
10 local school precinct as measured by:

11 (a) The satisfaction of the parents and legal guardians of pupils
12 and the teachers, administrators and other staff of the local school
13 precinct as determined by the surveys administered pursuant to NRS
14 388G.800; and

15 (b) The progress made by the local school precinct to satisfy the
16 goals and objectives set forth in the statewide system of
17 accountability for public schools.

18 **Sec. 5.** NRS 388G.710 is hereby amended to read as follows:

19 388G.710 1. Before approving a plan of operation for a local
20 school precinct, the principal of the local school precinct shall
21 present the plan at a public meeting held in accordance with
22 subsection 2 at the local school precinct to which the plan of
23 operation applies.

24 2. The principal shall post notice of the meeting not less than 3
25 working days before the date on which the meeting will be held.
26 Members of the public must be allowed to attend any portion of the
27 meeting, except any portion of the meeting during which
28 confidential information is discussed, and each meeting must
29 include a period for public comment. A meeting held pursuant to
30 this subsection is not subject to the provisions of chapter 241 of
31 NRS. *During a period of public comment included pursuant to*
32 *this subsection, the principal and organizational team may not*
33 *impede or interfere with the ability of a member of the public to*
34 *give comment or engage in any practice to discourage members of*
35 *the public from giving comment, including, without limitation, by*
36 *requiring:*

37 (a) *A request to be filed on an Internet website of the local*
38 *school precinct before giving public comment; or*

39 (b) *A member of the public to obtain the permission of the*
40 *principal, organizational team or any employee of the local school*
41 *precinct before giving public comment.*

42 3. When the plan of operation for the local school precinct is
43 finalized by the principal, the principal must submit the plan to the
44 school associate superintendent for approval. After receipt of the
45 plan of operation, the school associate superintendent must approve



1 or deny the plan of operation within 10 days. The plan of operation
2 must be approved unless any provision of the plan violates any
3 federal or state law or policy of the large school district.

4 4. If the school associate superintendent:

5 (a) Approves the plan of operation for a local school precinct,
6 the school associate superintendent must notify the principal of the
7 local school precinct and cause the plan of operation to be posted on
8 the Internet website of the large school district and on the Internet
9 website of the local school precinct and make the plan of operation
10 available to any person upon request.

11 (b) Does not approve the plan of operation for a local school
12 precinct, the school associate superintendent must notify the
13 principal of the local school precinct of the reasons for not
14 approving the plan and post those reasons on the Internet website of
15 the large school district and on the Internet website of the local
16 school precinct and make the plan of operation available to any
17 person upon request. The school associate superintendent must
18 assist the principal as necessary to revise the plan of operation.

19 5. Any adjustment to the budget that the principal of the local
20 school precinct determines is necessary after the plan of operation
21 has been approved may be made upon consultation with the
22 organizational team and approval of the school associate
23 superintendent.

24 **Sec. 6.** NRS 388G.730 is hereby amended to read as follows:

25 388G.730 1. Upon the establishment of an organizational
26 team pursuant to NRS 388G.700, the principal of the local school
27 precinct shall schedule the first meeting of the team and act as the
28 chair of the team until a chair is selected. The first item of business
29 for the organizational team must be to select a chair and vice chair
30 from among its members.

31 2. A majority of the voting members of the organizational team
32 constitutes a quorum for purposes of voting. A majority vote of the
33 quorum is required to take action with respect to any matter.

34 3. Notice of a meeting of the organizational team must be
35 posted not less than 3 working days before the date on which the
36 meeting will be held. Members of the public must be allowed to
37 attend any portion of the meeting, except any portion of the meeting
38 during which confidential information is discussed, and each
39 meeting must include a period for public comment. A meeting held
40 pursuant to this subsection is not subject to the provisions of chapter
41 241 of NRS. *During a period of public comment included*
42 *pursuant to this subsection, the principal and organizational team*
43 *may not impede or interfere with the ability of a member of the*
44 *public to give comment or engage in any practice to discourage*



1 *members of the public from giving comment, including, without*
2 *limitation, by requiring:*

3 (a) *A request to be filed on an Internet website of the local*
4 *school precinct before giving public comment; or*

5 (b) *A member of the public to obtain the permission of the*
6 *principal, organizational team or any employee of the local school*
7 *precinct before giving public comment.*

8 4. Each member of the organizational team serves until
9 October 1 of the year following his or her election and may serve
10 additional terms.

11 5. The organizational team must meet not less than one time
12 each month during the school year.

13 6. If a vacancy occurs in the membership of the organizational
14 team, a new member must be elected in the same manner as the
15 original selection, and the vacancy must be filled within 30 days.

16 7. Each member of the organizational team serves without
17 compensation of any kind.

18 **Sec. 7.** Chapter 391 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 1. *Each board of trustees of a school district, following*
21 *consultation with and involvement of elected representatives of*
22 *administrative personnel or their designated representatives, shall*
23 *develop an objective policy for the objective evaluation of the*
24 *superintendent of schools of the school district.*

25 2. *The superintendent of schools must receive one evaluation*
26 *during each school year of his or her employment. Such an*
27 *evaluation must include, without limitation, an evaluation of the*
28 *effectiveness of the superintendent of schools in improving the*
29 *academic achievement and performance of pupils in the district*
30 *based upon any relevant data in the annual report of*
31 *accountability prepared pursuant to NRS 385A.070. The*
32 *evaluation of the effectiveness of the superintendent of schools in*
33 *improving the academic achievement and performance of pupils*
34 *must constitute at least 25 percent of the annual evaluation of the*
35 *superintendent of schools.*

36 **Sec. 8.** NRS 391.110 is hereby amended to read as follows:

37 391.110 1. The board of trustees of a school district may:

38 (a) Employ any person the board of trustees determines is
39 qualified to serve as the superintendent of schools of the school
40 district. *A qualified candidate must have at least 10 years of*
41 *experience with the academic achievement and performance of*
42 *pupils as an employee of a public school in this State.* The
43 Commission may require the superintendent of any school district to
44 hold a master's degree.



1 (b) Define the powers and fix the duties of the superintendent of
2 schools.

3 (c) Fix the salary of the superintendent of schools.

4 2. If the board of trustees of a school district employs a person
5 who is not licensed as an administrator to serve as the
6 superintendent of schools, the board of trustees shall employ a
7 person who is licensed as an administrator to oversee the academic
8 programs of the public schools within the school district.

9 3. A superintendent of schools may be employed for an initial
10 term not to exceed 4 years. The term of any subsequent employment
11 may be of any duration.

12 4. A superintendent of schools may be dismissed at any time
13 for cause.

14 5. A superintendent of schools may administer oaths or
15 affirmations relating to public schools.

16 **Sec. 9.** Chapter 244 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. The boards of county commissioners of each of the*
19 *counties of the State shall not:*

20 *(a) Sponsor or operate a charter school;*

21 *(b) Establish a corporation for public benefit or nonprofit*
22 *organization for the purpose of sponsoring or operating a charter*
23 *school;*

24 *(c) Expend money for the direct or indirect support of a*
25 *charter school; or*

26 *(d) Award a grant to any corporation for public benefit or*
27 *nonprofit organization for the purpose of supporting or operating*
28 *a charter school.*

29 *2. As used in this section:*

30 *(a) "Corporation for public benefit" has the meaning ascribed*
31 *to it in NRS 82.021.*

32 *(b) "Nonprofit organization" means an organization that is*
33 *recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).*

34 **Sec. 10.** Chapter 268 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 *1. The city council or other governing body of an*
37 *incorporated city of the State shall not:*

38 *(a) Sponsor or operate a charter school;*

39 *(b) Establish a corporation for public benefit or nonprofit*
40 *organization for the purpose of sponsoring or operating a charter*
41 *school;*

42 *(c) Expend money for the direct or indirect support of a*
43 *charter school; or*



1 (d) Award a grant to any corporation for public benefit or
2 nonprofit organization for the purpose of supporting or operating
3 a charter school.

4 2. As used in this section:

5 (a) "Corporation for public benefit" has the meaning ascribed
6 to it in NRS 82.021.

7 (b) "Nonprofit organization" means an organization that is
8 recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

9 **Sec. 11.** Chapter 284 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 1. An employee in the public service, whether in the classified
12 or unclassified service, who is the parent or legal guardian of a
13 child must be granted as much administrative leave as is required
14 for the purpose of attending any meeting of the school or school
15 district in which the child is enrolled at which the attendance of a
16 parent or legal guardian is required or encouraged.

17 2. Any administrative leave granted pursuant to this section
18 must be issued to the public employee without loss of his or her
19 regular compensation. Such leave does not reduce the amount of
20 the accrued leave possessed by the employee.

21 **Sec. 12.** Chapter 608 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 1. In addition to the paid leave provided pursuant to NRS
24 608.0197, every employer in private employment shall provide to
25 each employee who is the parent or legal guardian of a child as
26 much leave as is required for the purpose of attending any
27 meeting of the school or school district in which the child is
28 enrolled at which the attendance of a parent or legal guardian is
29 required or encouraged.

30 2. An employee shall, at least 12 hours before using paid
31 leave provided to the employee pursuant to this section, give notice
32 to his or her employer that the employee intends to use the paid
33 leave.

34 3. An employer, and any agent, representative, supervisory
35 employee or other person acting on behalf of or under the
36 authority of the employer, shall not:

37 (a) Deny an employee the right to use the paid leave provided
38 to the employee pursuant to this section;

39 (b) Require an employee to find a replacement worker as a
40 condition of using the paid leave provided to the employee
41 pursuant to this section; or

42 (c) Retaliate or take any adverse action against an employee
43 for using the paid leave provided to the employee pursuant to this
44 section. Such prohibited retaliation includes, without limitation:

45 (1) Discharging or firing the employee;



1 (2) *Penalizing the employee in any fashion; and*
2 (3) *Deducting the paid leave provided to the employee*
3 *pursuant to this section from the accrued paid leave, salary or*
4 *wages of the employee.*

5 4. *Any paid leave provided to the employee pursuant to this*
6 *section must not be used in calculating the number of hours for*
7 *which an employee is entitled to be compensated for overtime.*

8 5. *The Labor Commissioner shall prepare a bulletin which*
9 *clearly sets forth the benefits created by this section. The Labor*
10 *Commissioner shall post the bulletin on the Internet website*
11 *maintained by the Office of Labor Commissioner, if any, and shall*
12 *require all employers to post the bulletin in a conspicuous location*
13 *in each workplace maintained by the employer. The bulletin may*
14 *be included in any printed abstract posted by the employer*
15 *pursuant to NRS 608.013.*

16 6. *An employer shall maintain a record of the receipt or*
17 *accrual and use of paid leave pursuant to this section for each*
18 *employee for a 1-year period following the entry of such*
19 *information in the record and, upon request, shall make those*
20 *records available for inspection by the Labor Commissioner.*

21 7. *The provisions of this section do not:*

22 (a) *Limit or abridge any other rights, remedies or procedures*
23 *available under the law.*

24 (b) *Negate any other rights, remedies or procedures available*
25 *to an aggrieved party.*

26 (c) *Prohibit, preempt or discourage any contract or other*
27 *agreement that provides a more generous paid leave benefit or*
28 *paid time off benefit.*

29 8. *As used in this section, "employer" means a private*
30 *employer who has 50 or more employees in private employment in*
31 *this State.*

32 **Sec. 13.** NRS 608.180 is hereby amended to read as follows:

33 608.180 The Labor Commissioner or the representative of the
34 Labor Commissioner shall cause the provisions of NRS 608.005 to
35 608.195, inclusive, *and section 12 of this act*, and 608.215 to be
36 enforced, and upon notice from the Labor Commissioner or the
37 representative:

38 1. The district attorney of any county in which a violation of
39 those sections has occurred;

40 2. The Deputy Labor Commissioner, as provided in
41 NRS 607.050;

42 3. The Attorney General, as provided in NRS 607.160 or
43 607.220; or

44 4. The special counsel, as provided in NRS 607.065,

45 ↪ shall prosecute the action for enforcement according to law.



1 **Sec. 14.** The amendatory provisions of sections 3 and 8 of this
2 act do not apply to a contract entered into on or before July 1, 2023,
3 but do apply to any renewal or extension of such a contract.

4 **Sec. 15.** The amendatory provisions of sections 4 and 7 of this
5 act apply to a contract entered into on or before July 1, 2023.

6 **Sec. 16.** The provisions of NRS 354.599 do not apply to any
7 additional expenses of a local government that are related to the
8 provisions of this act.

9 **Sec. 17.** This act becomes effective on July 1, 2023.

