

ASSEMBLY BILL NO. 351—ASSEMBLYMEN WILLIAMS, BACHE, ARBERRY,
MANENDO, OHRENSCHALL, ANDERSON, BUCKLEY, CHOWNING,
CLABORN, DE BRAGA, GIUNCHIGLIANI, GOLDWATER, KOIVISTO,
LESLIE, MCCLAIN, OCEGUERA, PARKS AND PARNELL

MARCH 13, 2001

Referred to Committee on Education

SUMMARY—Requires legislative approval for certain contracts of school district.
(BDR 34-1292)

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 education; requiring the board of trustees of a school district to make certain disclosures, hold public meetings and solicit public comment before entering into certain contracts relating to the delegation of its responsibility for the management of public schools; requiring the board of trustees of a school district to obtain approval from the legislature before entering into such contracts; providing that certain related requirements apply to the renewal of such contracts that were entered into before the effective date of this act; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 386 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *If the board of trustees of a school district is considering***
4 ***whether to enter into a contract or other agreement to delegate to***
5 ***another its responsibility to operate, manage or oversee a school of the***
6 ***school district or is otherwise pursuing such a contractual relationship,***
7 ***the board of trustees shall provide notice to the superintendent of schools***
8 ***of the school district, each administrator who is employed by the board of***
9 ***trustees to perform administrative duties at the district level and each***
10 ***administrator employed at a school that is under such consideration.***
11 ***Each person who is so notified shall disclose to the board of trustees if***
12 ***he, or any member of his family who is related to him within the third***
13 ***degree of consanguinity or affinity, has a personal pecuniary interest in***
14 ***the corporation or other entity with whom the board of trustees desires to***
15 ***contract.***



* A B 3 5 1 R 1 *

1 2. If the board of trustees of a school district is considering whether
2 to enter into a contract or other agreement to delegate to another its
3 responsibility to operate, manage or oversee a school of the school
4 district or is otherwise pursuing such a contractual relationship, the
5 board of trustees shall:

6 (a) Hold at least one public meeting regarding the potential
7 agreement within the zone of attendance of each school that is under
8 consideration.

9 (b) At least 5 school days before the date of the meeting, cause notice
10 of the purpose, date and time of the meeting to be published in at least
11 one newspaper of general circulation within the county.

12 (c) At least 5 school days before the date of the meeting, provide
13 written notice of the meeting to each parent and legal guardian of a pupil
14 who is enrolled in a school that is under consideration. The written
15 notice may be included with other notices provided to parents and legal
16 guardians of pupils if the notice is provided within the time prescribed in
17 this paragraph.

18 (d) Take such other action as is necessary to ensure that all the
19 parents and legal guardians of pupils who are enrolled in a school that is
20 under consideration are aware that the board of trustees is considering
21 whether to enter into a contract or agreement and of the date and time of
22 the public meeting.

23 3. At a public meeting held by the board of trustees pursuant to
24 subsection 2, the board of trustees shall:

25 (a) Provide full disclosure of the source of any donations that are
26 expected to be made or that have been made to the proposed contractor in
27 connection with the contract or agreement or to otherwise carry out the
28 contract or agreement;

29 (b) Provide a written report that indicates whether a member of the
30 board of trustees, or any member of his family who is related to him
31 within the third degree of consanguinity or affinity, has a personal
32 pecuniary interest in the corporation or other entity with whom the board
33 of trustees desires to contract;

34 (c) Provide a written report that indicates whether any person who is
35 required to make a disclosure pursuant to subsection 1, or any member
36 of his family who is related to him within the third degree of
37 consanguinity or affinity, has a personal pecuniary interest in the
38 corporation or other entity with whom the board of trustees desires to
39 contract; and

40 (d) Reserve a significant portion of the meeting for the board of
41 trustees to:

42 (1) Receive public comment on the proposed contract or agreement;
43 and

44 (2) Respond to or discuss any related questions.

45 4. If, after complying with the provisions of this section, the board of
46 trustees of a school district decides to pursue a contract or other
47 agreement to delegate to another its responsibility to operate, manage or
48 oversee a school of the school district, the board of trustees may submit a
49 written request for legislative approval pursuant to section 3 of this act.



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1 *Sec. 3. 1. The board of trustees of a school district shall not enter*
2 *into a contract or other agreement to delegate to another its responsibility*
3 *to operate, manage or oversee a school of the school district unless the*
4 *board of trustees has:*
5 *(a) Complied with section 2 of this act; and*
6 *(b) Received approval to enter into the contract or agreement from the*
7 *legislature by concurrent resolution.*
8 *2. The board of trustees of a school district may submit a written*
9 *request for legislative approval pursuant to subsection 1 to the director of*
10 *the legislative counsel bureau for transmission to the legislature. A*
11 *written request must include, without limitation:*
12 *(a) A description of the manner in which the board of trustees*
13 *solicited participation of the parents and legal guardians of pupils who*
14 *are enrolled in a school that is under consideration, including, without*
15 *limitation, a description of the public comment that was received at each*
16 *public meeting which was held pursuant to section 2 of this act;*
17 *(b) A description of the source of any donations that are expected to*
18 *be made or that have been made to the proposed contractor in connection*
19 *with the contract or agreement or to otherwise carry out the contract or*
20 *agreement;*
21 *(c) A report that indicates whether any member of the board of*
22 *trustees, the superintendent of schools of the school district, any*
23 *administrator who is employed by the board of trustees to perform*
24 *administrative duties at the district level or any administrator employed*
25 *at a school that is under consideration, or any member of the family of a*
26 *person described in this paragraph who is related within the third degree*
27 *of consanguinity or affinity, has a personal pecuniary interest in the*
28 *corporation or other entity with whom the board of trustees desires to*
29 *contract;*
30 *(d) The identity of the employees of the school district who were*
31 *primarily responsible for the decisions relating to the operation and*
32 *management of the school for the 4 years immediately preceding the date*
33 *of the request; and*
34 *(e) If the school has been designated as demonstrating need for*
35 *improvement pursuant to NRS 385.367 or 385.368 within the*
36 *immediately preceding year:*
37 *(1) A description of the action taken by the school and the school*
38 *district to improve the academic success of the school; and*
39 *(2) A description of the adjustments in the allocation of financial*
40 *resources of the school district that are necessary to improve the*
41 *academic success of the school.*
42 *3. If a contract or other agreement for the operation, management or*
43 *oversight of a school is approved by the legislature pursuant to this*
44 *section, the board of trustees of the school district that enters into the*
45 *agreement:*
46 *(a) Remains responsible for complying with all applicable statutes and*
47 *regulations relating to that school, including, without limitation, NRS*
48 *385.3455 to 385.391, inclusive; and*



1 *(b) If the superintendent of public instruction appoints a licensed*
2 *administrator to oversee that school pursuant to NRS 385.386, shall*
3 *ensure that the person or entity with whom the board has entered into the*
4 *contract or agreement complies with all recommendations and actions*
5 *required by the administrator who was appointed by the superintendent*
6 *of public instruction.*

7 **Sec. 4.** This act applies to the board of trustees of a school district for
8 any contract or other agreement entered into on or after the effective date
9 of this act, regardless of whether negotiations for the contract or agreement
10 began before that date.

11 **Sec. 5.** If the board of trustees of a school district enters into a
12 contract or other agreement to delegate to another its responsibility for the
13 operation, management or oversight of a school before the effective date of
14 this act:

15 1. The board of trustees shall, not later than 60 days after the effective
16 date of this act, prepare a written report available to the general public that:

17 (a) Provides full disclosure of the source of any donations that are
18 expected to be made or that have been made to the contractor in connection
19 with the contract or agreement or to otherwise carry out the contract or
20 agreement; and

21 (b) Indicates whether any member of the board of trustees, the
22 superintendent of schools of the school district, any administrator who is
23 employed by the board of trustees to perform administrative duties at the
24 district level or any administrator employed at a school that is covered by
25 the contract or agreement, or any member of the family of a person
26 described in this paragraph who is related within the third degree of
27 consanguinity or affinity, has a personal pecuniary interest in the
28 corporation or entity with whom the board of trustees entered into the
29 contract.

30 2. The first renewal of such a contract or agreement, or an amendment
31 that serves as a renewal of the contract or agreement, after the effective
32 date of this act shall be deemed for the purposes of this act to be the
33 entrance into a new contract or agreement to which the provisions of
34 sections 2 and 3 of this act apply. If the first renewal of such a contract or
35 agreement, or an amendment that serves as a renewal of the contract or
36 agreement, after the effective date of this act does not comply with the
37 provisions of sections 2 and 3 of this act, such a renewal or amendment is
38 void.

39 **Sec. 6.** This act becomes effective upon passage and approval.

