

Amendment No. 546

Senate Amendment to Senate Bill No. 469 First Reprint	(BDR 34-818)
Proposed by: Senator Denis	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/RBL



Date: 4/19/2019

S.B. No. 469—Revises provisions relating to the reorganization of certain school districts. (BDR 34-818)



SENATE BILL NO. 469—COMMITTEE ON EDUCATION

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to the reorganization of certain school districts. (BDR 34-818)

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; clarifying that a large school district is responsible for utilities for each local school precinct; revising the number of local school precincts in a large school district that a school associate superintendent is authorized to oversee; revising ~~the manner in which a large school district is required to determine the allocation that will be made to each local school precinct for the next school year~~ provisions relating to the allocation of money by such a large school district to local school precincts to carry out the responsibilities transferred to the precincts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes requirements for the transition and restructuring of school districts which have more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) from a centralized operational model to a more decentralized and autonomous site-based operational model. (NRS 388G.500-388G.810) To accomplish this, existing law: (1) deems each public school within a large school district, other than a charter school or a university school for profoundly gifted pupils, to be a local school precinct which is operated under site-based decision-making; and (2) provides to the local school precincts the authority to carry out certain responsibilities which have traditionally been carried out by the large school district. (NRS 388G.600)

Existing law: (1) requires the superintendent of schools of a large school district to transfer certain responsibilities to each local school precinct; and (2) provides that the large school district remains responsible for paying for and carrying out all other responsibilities necessary for the operation of the local school precincts. (NRS 388G.610) Section 1 of this bill clarifies that the large school district remains responsible for utilities.

Existing law requires the superintendent of schools of a large school district to assign a school associate superintendent to oversee local school precincts, but prohibits such a person from being assigned to oversee more than 25 local school precincts. (NRS 388G.620) ~~Section~~ 1.5 of this bill removes this prohibition, therefore authorizing a school associate superintendent to oversee more than 25 local school precincts.

Existing law requires the superintendent of schools of a large school district to annually make certain estimates regarding the funding received by the school district

and to estimate the amount of money that will be allocated to the local school precincts for the next school year. Existing law prescribes certain money of the large school district as restricted and requires the amount allocated to the local school precincts be a certain percentage of the total amount of unrestricted money of the large school district. (NRS 388G.660) Section 2.5 of this bill classifies as restricted the money that is necessary for a large school district to carry out the responsibilities that are not transferred to the local school precinct and increases the percentage of the unrestricted money to be allocated to the local school precincts from 85 percent to 90 percent.

Existing law sets forth the manner in which a large school district is required to determine the allocation that will be made to each local school precinct, which must be on a per pupil basis. (NRS 388G.670) Existing law requires the superintendent of schools of a large school district to inform each local school precinct on or before January 15 of each year of the estimated amount of money that will be allocated to the local school precinct for the next school year, based upon: (1) for an existing local school precinct, the actual number of pupils who attended the local school precinct as reported during the previous calendar quarter; or (2) for a new local school precinct, the estimated number of pupils who will attend the new school and the effect on any existing local school precinct. (NRS 388G.680) For purposes of this allocation, **section 3** of this bill changes the measure for determining the number of pupils for existing local school precincts from actual numbers to estimates by the large school district, which is the same measure as is used for determining the number of pupils for a new local school precinct.

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

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

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

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

(a) Select for the local school precinct the:

(1) Teachers;

(2) Administrators other than the principal; and

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

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

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

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

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

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

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

(b) Transportation services;

(c) Food services;

(d) Risk management services;

(e) Financial services, including payroll services;

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

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

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

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

(j) Legal services;

(k) Maintenance and repair of buildings;

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

(m) Custodial services;

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

(o) Internal audits;

(p) Information technology services;

(q) Police services;

(r) Emergency management services;

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

(t) Capital projects. ~~and~~

(u) Utilities.

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

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

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

7. On or before January 15 of each year, the superintendent shall determine, in consultation with the principals, school associate superintendents and organizational teams of each local school precinct, any additional authority that is not listed in subsection 2 to recommend transferring to one or more local school precincts. Such authority may include the authority to carry out any of the

responsibilities listed in subsection 3 which is not prohibited by law, other than the responsibility for capital projects, if it is determined that transferring the authority will serve the best interests of the pupils. The recommendation to transfer authority to one or more local school precincts must be submitted for approval by the board of trustees of the large school district. The board of trustees of the large school district shall consider such a recommendation and determine whether to approve the transfer of additional authority at its next regularly scheduled meeting if submitted within 5 working days before the next regularly scheduled meeting and otherwise the recommendation shall be considered at the following meeting.

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

Sec. 1.5. NRS 388G.620 is hereby amended to read as follows:

388G.620 1. The superintendent shall assign a school associate superintendent to oversee ~~[each] one or more~~ local school ~~[precinct- Each school associate superintendent must not be assigned to oversee more than 25 local school]~~ precincts.

2. Whenever a vacancy occurs in the position of school associate superintendent, the superintendent shall post notice of the vacancy. The superintendent shall interview qualified candidates for the vacant position. At least one, but not more than two representatives of the principals of the local school precincts overseen by the vacant position must be allowed to participate in interviewing candidates for the vacant position. If the local governmental agency which has the most schools that are overseen by the vacant position is:

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

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

3. Each person who participates in interviewing candidates pursuant to subsection 2 shall comply with all laws that apply to an employer when making a decision about employment.

4. Upon completion of the interviews pursuant to subsection 2 and before the superintendent makes a final determination about which candidate to hire, the superintendent must notify the governing body of the city or the board of county commissioners for the county, as applicable, regarding the candidate whom the superintendent intends to hire. After receiving such notice, the governing body of the city or the board of county commissioners, as applicable, may hold a public meeting within 10 days to question the superintendent and the candidate for the vacant position and receive public input. After any such meeting or, if no such meeting is held, after 10 days, the superintendent shall, in his or her sole discretion, hire a candidate for the vacant position.

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

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 388G.660 is hereby amended to read as follows:

388G.660 1. On or before January 15 of each year, the superintendent shall establish for the next school year:

(a) The estimated total amount of money to be received by the large school district from all sources, including any year-end balance that is carried forward, and shall identify the sources of such a year-end balance and whether the year-end

balance is restricted. If the year-end balance is restricted, the superintendent shall identify the source of the restriction and the total of amount of money to be received by the large school district that is unrestricted. Money may only be identified as restricted if it ~~is~~ :

(1) Is required by state or federal law ~~if it is~~ ;

(2) Is proscribed by the Department ;

(3) Is necessary for the large school district to carry out its responsibilities pursuant to subsection 3 of NRS 388G.610; or ~~if it has~~

(4) Has been otherwise encumbered.

(b) The estimated percentage of the amount of money determined pursuant to paragraph (a) to be unrestricted that will be allocated to the local school precincts. The percentage must equal:

(1) For the first school year in which the large school district operates pursuant to the provisions of NRS 388G.500 to 388G.810, inclusive, not less than 80 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year; ~~and~~

(2) For each subsequent school year ~~if~~ until 2019, 85 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year ~~if~~ and

(3) For the school year beginning in 2019 and each subsequent school year, 90 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year.

(c) The estimated amount of categorical funding to be received by the large school district and whether such funding is restricted in a manner that prohibits the large school district from including that categorical funding in the amount of funding per pupil that is allocated to the local school precincts.

(d) The total estimated amount of money that will be allocated to each local school precinct as determined pursuant to NRS 388G.680.

2. The superintendent shall post the information established pursuant to subsection 1 on the Internet website of the large school district and make the information available to any person upon request.

Sec. 3. NRS 388G.680 is hereby amended to read as follows:

388G.680 1. On or before January 15 of each year, the superintendent shall inform each local school precinct of the estimated amount of money that will be allocated to the local school precinct for the next school year. The allocation must be based upon *estimates by the large school district of* the number of pupils in each category who *will* attend the local school precinct after applying the appropriate weight to each category of pupil as determined pursuant to NRS 388G.670.

~~2. Except as otherwise provided in subsections 3 and 4, the number and category of pupils must be determined based upon the report of the pupils attending each local school precinct for the previous calendar quarter pursuant to NRS 387.1223.~~

~~3.~~ If an additional local school precinct is added in the large school district, for the purpose of determining the first allocation for the new local school precinct, the large school district must estimate the number of pupils in each category who will attend the new local school precinct and the effect on any existing local school precinct. If the opening of a new local school precinct is anticipated to reduce the number of pupils who will attend another local school precinct, for purposes of determining the allocation, the number of pupils must be adjusted accordingly.

~~4.~~ 3. The estimated amount of money allocated to each local school precinct for the next school year must be adjusted on or before November 1 of each year to reflect the actual number of pupils in each category who attend the local school precinct.

1 **Sec. 4.** This act becomes effective on July 1, 2019.