

Amendment No. 408

Senate Amendment to Senate Bill No. 148	(BDR 34-160)
Proposed by: Senate Committee on Education	
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.



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 ~~omitted 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; revising provisions relating to the selection of certain personnel by the principal of a local school precinct; providing that the superintendent of a large school district is responsible for making certain personnel decisions; ~~requiring~~ authorizing certain uses of a year-end balance by a local school ~~precincts to transfer a certain amount of money to the county school district fund at the end of each fiscal year~~ precinct under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the superintendent of a large school district to transfer authority to a local school precinct to carry out certain responsibilities, including, without limitation, the supervision of the staff of the local school precinct and the procurement of equipment, services and supplies for the local school precinct. Existing law requires the large school district to carry out all other responsibilities necessary for the operation of the local school precinct and the large school district, including the maintenance of the school and custodial services. (NRS 388G.610) **Section 2** of this bill prohibits a local school precinct from employing or otherwise procuring the services of a person to carry out any responsibility that has not been transferred to the local school precinct. Section 2 requires a local school precinct to meet certain ratios of personnel when selecting personnel for the local school precinct who provide custodial, maintenance or security services, to the extent that such personnel are available for selection by a local school district. Section 2 also requires the principal of a local school precinct to select teachers, administrators other than the principal and other staff who work under the direct supervision of the principal in accordance with any applicable collective bargaining agreement.

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

~~Existing law requires each school district to transfer to the Education Stabilization Account any amount by which the balance of the county school district fund at the close of a~~

25 fiscal year exceeds 16.6 percent of the total budgeted expenditures for the fund. (NRS
26 387.1213.) Existing law requires each local school precinct to carry forward its year-end
27 balance to the next school year for use by the local precinct. (NRS 388G.650) Section 3 of
28 this bill [similarly requires] authorizes each local school precinct of a large school district to
29 [transfer to the county school district fund any amount by which] use the year-end balance of
30 the local school precinct [at the close of the immediately preceding fiscal year exceeds 16.6
31 percent of the total budgeted expenditures for the local school precinct for that fiscal year.
32 Section 1 of this bill requires a large school district to make the required transfer from the
33 county school district fund to the Education Stabilization Account after the amounts are
34 transferred from the local school precincts to the county school district fund of the large
35 school district pursuant to section 3.] to employ additional personnel necessary to meet the
36 required ratios of certain personnel established pursuant to section 2 if such personnel
37 are not available for selection from the large school district.

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

Section 1. ~~[NRS 387.1213 is hereby amended to read as follows:]~~

2 ~~387.1213. 1. The Education Stabilization Account is hereby created in the~~
3 ~~State Education Fund. Except as otherwise provided in subsections 3 and 4, each~~
4 ~~year after the close of the previous fiscal year and, for a large school district, after~~
5 ~~each local school precinct in the large school district has transferred any amount~~
6 ~~from the local school precinct to the county school district fund of the large~~
7 ~~school district pursuant to subsection 3 of NRS 388G.690 and before the issuance~~
8 ~~of the State Controller's annual report, each county school district shall transfer~~
9 ~~from the county school district fund to the Education Stabilization Account any~~
10 ~~amount by which the budgeted ending fund balance of the county school district~~
11 ~~fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The~~
12 ~~interest and income earned on the money in the Account, after deducting any~~
13 ~~applicable charges, must be credited to the Account.~~

14 ~~2. Money transferred pursuant to subsection 1 to the Education Stabilization~~
15 ~~Account is a continuing appropriation solely for the purpose of authorizing the~~
16 ~~expenditure of the transferred money for the purposes set forth in this section.~~

17 ~~3. The balance in the Educational Stabilization Account must not exceed 15~~
18 ~~percent of the total of all appropriations and authorizations from the State~~
19 ~~Education Fund, excluding the Education Stabilization Account, for the~~
20 ~~immediately preceding fiscal year. Any money transferred to the Education~~
21 ~~Stabilization Account which exceeds this amount must instead be transferred to the~~
22 ~~State Education Fund.~~

23 ~~4. If the Interim Finance Committee finds that:~~

24 ~~(a) Upon submission of a request from the Department, the actual enrollment~~
25 ~~growth for a fiscal year exceeds the projected enrollment growth by an amount that~~
26 ~~the Interim Finance Committee determines would make a transfer of money to the~~
27 ~~State Education Fund necessary to fund the excess enrollment; or~~

28 ~~(b) The collection of revenue in any fiscal year will result in the State~~
29 ~~Education Fund receiving 97 percent or less of the money authorized for~~
30 ~~expenditure from the State Education Fund;~~

31 ~~the Committee shall by resolution establish an amount of money to transfer from~~
32 ~~the Education Stabilization Account to the State Education Fund and direct the~~
33 ~~State Controller to transfer that amount to the State Education Fund. The State~~
34 ~~Controller shall thereupon make the transfer.~~

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

~~6. As used in this section:~~

~~(a) "Large school district" has the meaning ascribed to it in NRS 388G.530.~~

~~(b) "Local school precinct" has the meaning ascribed to it in NRS 388G.535.~~ **(Deleted by amendment.)**

Sec. 2. 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~~ *Except as otherwise provided in this paragraph, 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. *Unless such authority has been transferred to a local school precinct pursuant to subsection 7-8, a local school precinct may not employ or otherwise procure the services of a person to carry out any responsibility necessary for the operation of the local school precinct that is the responsibility of the large school district, including, without limitation, any services listed in subsection 3.*

(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 ~~7-8~~.

3. Except as otherwise provided in subsection ~~7-7~~ 8, 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;
(t) Capital projects; and
(u) Utilities.

4. The principal of a local school precinct shall select for the local school precinct the staff described in paragraph (a) of subsection 2 in accordance with any applicable collective bargaining agreement. 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. When selecting staff pursuant to subparagraph (3) of paragraph (a) of subsection 2, the principal of a local school precinct shall, to the extent such personnel are available from the large school district, select a sufficient number of staff to provide:

(a) Custodial services at a ratio of square footage per staff member which is consistent with the Level 2 Cleaning Standard of the Building Cleaning Standard Type of the Common Education Data Standards published by the United States Department of Education; and

(b) Security services at a ratio of not less than three staff members for each 1,000 pupils enrolled in the local school precinct.

6. 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.]~~ 7. 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 superintendent must make any decision regarding the assignment and any subsequent reassignment of the member of the staff ~~[must be made in consultation]~~, after consulting with the principal of the local school precinct and the school associate superintendent.

~~[7.]~~ 8. 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.

~~18.1~~ 2. If the authority to carry out any responsibility is transferred to a local school precinct pursuant to subsection ~~17.1~~ 8. 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. 3. NRS 388G.650 is hereby amended to read as follows:

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

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

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

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

3. ~~[Not later than 45 days after the close of the immediately preceding fiscal year, each local school precinct shall transfer to the county school district fund any amount by which the year end balance of the local school precinct for the immediately preceding fiscal year exceeds 16.6 percent of the total budgeted expenditures for the local school precinct for the immediately preceding fiscal year.] A local school precinct may use a year-end balance carried forward pursuant to subsection 2 to employ any additional personnel necessary to meet the ratios described in subsection 5 of NRS 388G.610 if such personnel are not available for selection from the large school district.~~

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

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