

SENATE BILL NO. 224—SENATOR D. HARRIS

MARCH 11, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to large school districts. (BDR 34-214)

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 large school districts; prohibiting certain transfers of authority from a large school district to a local school precinct from being construed to affect or impair the authority of the large school district to negotiate, or duty to comply with, certain provisions of a collective bargaining agreement between the large school district and an employee organization concerning the transfer or reassignment of employees in certain situations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes a local government employer, which includes a large school district, to enter into a collective bargaining agreement with an employee organization and requires the employer to negotiate in good faith concerning certain subjects. (NRS 288.060, 288.150, 388G.530) Existing law also requires the superintendent of a large school district to transfer to each local school precinct the authority to select the teachers, administrators other than the principal and other staff that work under the direct supervision of the principal of the local school precinct. (NRS 388G.610)

This bill prohibits such a transfer of authority from being construed to affect or impair the authority of the large school district to negotiate, or its duty to comply with, provisions of a collective bargaining agreement between the large school district and an employee organization that establish certain procedures concerning the transfer or reassignment of employees in a surplus situation. This bill establishes that a surplus situation occurs when the services of one or more employees are no longer needed at their current worksite on a temporary or permanent basis due to: (1) a change in enrollment of pupils; (2) a change in a pupil-staff allocation formula; or (3) a change in academic needs of certain pupils.



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 for the local school precinct the:

10       (1) Teachers;

11       (2) Administrators other than the principal; and

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

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

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

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

30     (e) Any other responsibility for which authority is transferred  
31 pursuant to subsection ~~[7.]~~ 8.

32     3. *The transfer of authority in subsection 2 must not be*  
33 *construed to affect or impair the authority of a large school*  
34 *district to negotiate, or its duty to comply with, the provisions of a*  
35 *collective bargaining agreement between the large school district*  
36 *and an employee organization that establish procedures for the*  
37 *transfer or reassignment of employees in a surplus situation,*  
38 *including, without limitation, those provisions that provide to*  
39 *affected employees certain placement rights.*

40     4. Except as otherwise provided in subsection ~~[7.]~~ 8, a large  
41 school district shall remain responsible for paying for and carrying  
42 out all other responsibilities necessary for the operation of the local



1 school precincts and the large school district which have not been  
2 transferred to the local school precincts pursuant to subsection 2,  
3 including, without limitation, responsibility for:

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

7 (b) Transportation services;

8 (c) Food services;

9 (d) Risk management services;

10 (e) Financial services, including payroll services;

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

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

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

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

22 (j) Legal services;

23 (k) Maintenance and repair of buildings;

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

25 (m) Custodial services;

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

28 (o) Internal audits;

29 (p) Information technology services;

30 (q) Police services;

31 (r) Emergency management services;

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

34 (t) Capital projects; and

35 (u) Utilities.

36 ~~[4.]~~ 5. To the greatest extent possible, the principal of a local  
37 school precinct shall select teachers who are licensed and in good  
38 standing before selecting substitutes to teach at the local school  
39 precinct. The principal, in consultation with the organizational team,  
40 shall make every effort to ensure that effective licensed teachers are  
41 employed at the local school precinct.

42 ~~[5.]~~ 6. If a large school district is unable to provide any  
43 necessary maintenance or repair of the buildings or grounds of a  
44 local school precinct in a timely manner, the large school district  
45 must, at the expense of the large school district, procure any



1 equipment, services and supplies necessary from another entity or  
2 business to provide such maintenance or repair for the local school  
3 precinct or take any other necessary action.

4 ~~[6.]~~ 7. To the extent that any member of the staff of central  
5 services is assigned to provide services at a local school precinct on  
6 a temporary or permanent basis, the decision regarding the  
7 assignment and any subsequent reassignment of the member of the  
8 staff must be made in consultation with the principal of the local  
9 school precinct and the school associate superintendent.

10 ~~[7.]~~ 8. On or before January 15 of each year, the  
11 superintendent shall determine, in consultation with the principals,  
12 school associate superintendents and organizational teams of each  
13 local school precinct, any additional authority that is not listed in  
14 subsection 2 to recommend transferring to one or more local school  
15 precincts. Such authority may include the authority to carry out any  
16 of the responsibilities listed in subsection ~~[3.]~~ 4 which is not  
17 prohibited by law, other than the responsibility for capital projects,  
18 if it is determined that transferring the authority will serve the best  
19 interests of the pupils. The recommendation to transfer authority to  
20 one or more local school precincts must be submitted for approval  
21 by the board of trustees of the large school district. The board of  
22 trustees of the large school district shall consider such a  
23 recommendation and determine whether to approve the transfer of  
24 additional authority at its next regularly scheduled meeting if  
25 submitted within 5 working days before the next regularly scheduled  
26 meeting and otherwise the recommendation shall be considered at  
27 the following meeting.

28 ~~[8.]~~ 9. If the authority to carry out any responsibility is  
29 transferred to a local school precinct pursuant to subsection ~~[7.]~~ 8,  
30 the large school district must allocate additional money to the local  
31 school precinct in an amount equal to the amount that would  
32 otherwise be paid by the large school district to carry out the  
33 responsibility.

34 *10. As used in this section, "surplus situation" means an*  
35 *event that occurs when the services of one or more employees are*  
36 *no longer needed at their current worksite on a temporary or*  
37 *permanent basis, due to:*

38 *(a) A change in pupil enrollment in the large school district,*  
39 *an area of the large school district or one or more local school*  
40 *precincts;*

41 *(b) A change in a pupil-staff allocation formula; or*

42 *(c) A change in academic needs of pupils throughout the large*  
43 *school district, in an area of the large school district or in one or*  
44 *more local school precincts.*



1      **Sec. 2.** This act becomes effective on July 1, 2021.

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