

SUMMARY—Revises provisions relating to education. (BDR 34-613)

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

Effect on the State: Yes.

AN ACT relating to education; revising provisions governing the design, construction and alteration of certain school buildings; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires that each school district must, in designing, constructing and altering school buildings and facilities, comply with the requirements of the Americans with Disabilities Act of 1990, and certain federal regulations adopted pursuant thereto. (42 U.S.C. §§ 12101 et seq.; NRS 393.110) This bill additionally requires that each school district must include a designated space for prekindergarten programs in each elementary school building that is used primarily for the educational instruction of pupils and that is designed, constructed or altered on or after July 1, 2025.



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

Section 1. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities ~~[-, comply]~~ :

(a) Comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this ~~[subsection]~~ *paragraph* are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

(b) Include a designated space for a prekindergarten program in each elementary school building that is used primarily for the educational instruction of pupils and that is designed, constructed or altered on or after July 1, 2025.

2. In a county whose population is 700,000 or more:

(a) The board of trustees of the school district shall establish a building department for the school district.



(b) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.

(c) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall adopt any building, electrical or safety codes as necessary to carry out the provisions of this subsection.

(d) The board of trustees of the school district shall ensure that the building department established by the board of trustees reviews the plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.

(e) The building department established by the board of trustees shall, in accordance with subsection 4, conduct a review of plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.

(f) The provisions of NRS 278.585 do not apply to the school district in its regulation of buildings, facilities, structures and property of the school district.

3. In a county whose population is less than 700,000:

(a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the



building department of the county or other appropriate local building department in the county, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph.

(b) If there is no county building department or other appropriate local building department in the county in which the school district is located, the board of trustees of the school district shall enter into an agreement with the State Public Works Division of the Department of Administration, a private certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private certificate holder or building department pursuant to this paragraph.

(c) A permit for construction must be issued before the school district commences construction.

(d) The county building department or other appropriate local building department, the State Public Works Division of the Department of Administration or the private certificate holder, as applicable, shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. An inspection of the work by the State Fire Marshal is not required if the work is inspected by the private certificate holder or building department.

(e) A department, agency, private certificate holder or the State Public Works Division of the Department of Administration is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:

(1) Review of the plans, designs or specifications as required by this subsection; or



(2) The inspections conducted pursuant to this subsection.

4. In conducting reviews pursuant to this section, the State Public Works Division of the Department of Administration, building department or private certificate holder, as applicable, shall verify that the plans, designs and specifications comply with:

(a) The applicable requirements of the relevant codes adopted by this State, including, without limitation, the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal;

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

5. No contract for any of the purposes specified in this section made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

6. As used in this section, “private certificate holder” means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor:



(a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;

(b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or

(c) To perform the activities described in paragraphs (a) and (b).

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

