

ASSEMBLY BILL NO. 394—ASSEMBLYMEN GARDNER, FIORE, JONES,
SILBERKRAUS, HICKEY; DICKMAN, O’NEILL, SEAMAN AND
TROWBRIDGE

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-900)

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

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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; prescribing the process by which the governing body of an incorporated city may create a local school precinct within a county school district with the approval of the State Board of Education; authorizing two or more boards of trustees of contiguous school districts to consolidate their respective districts by interlocal agreement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the organization of school districts in this State.
2 (Chapter 386 of NRS) **Sections 2-17** of this bill generally prescribe the process by
3 which the governing body of an incorporated city may create a local school precinct
4 within a school district with the approval of the State Board of Education. **Section 7**
5 authorizes the governing body of an incorporated city to create a local school
6 precinct in the manner prescribed by **sections 2-17**. **Section 8** requires the
7 boundaries of a local school precinct to be coterminous with the boundaries of the
8 incorporated city forming the local school precinct. **Section 8** authorizes a
9 governing body to appoint a committee to develop a proposed precinct plan for the
10 creation, operation, management and administration of a local school precinct, and
11 prescribes certain terms and conditions which may be incorporated into a precinct
12 plan for the purposes of facilitating the creation of a local school precinct. **Section**
13 **9** requires the governing body to conduct a hearing to approve, disapprove or
14 amend and approve a proposed precinct plan. **Section 9** requires the governing
15 body, upon approving a proposed precinct plan, to file notice of its intent to create a
16 local school precinct with the State Board of Education and certain other entities.
17 **Section 10** requires the State Board, upon receiving a proposed precinct plan, to
18 conduct a hearing to approve, disapprove or amend and approve the proposed



19 precinct plan. **Section 11** provides for the interim appointment by the governing
20 body of a precinct council and the election of permanent members to the precinct
21 council at the next general city election of the incorporated city. **Section 12**
22 prescribes the requirements for the meetings of a precinct council. **Section 13**
23 requires the governing body to prescribe by city ordinance the monthly salary of the
24 members of a precinct council. **Section 14** authorizes a precinct council or board of
25 trustees to request a hearing with the Superintendent of Public Instruction for the
26 purpose of resolving any dispute with respect to a precinct plan. **Section 16**
27 establishes the process by which the governing body may dissolve a local school
28 precinct with the approval of the State Board.

29 Existing law generally authorizes local governments to consolidate
30 governmental services by interlocal agreement. (NRS 277.080-277.180) **Sections**
31 **18 and 19** of this bill authorize two or more boards of trustees of contiguous school
32 districts to consolidate their respective districts by interlocal agreement.

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
2 thereto the provisions set forth as sections 2 to 17, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 17, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 6, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“Governing body” means the city council or other*
9 *governing body of an incorporated city.*

10 **Sec. 4.** *“Local school precinct” means a precinct, the*
11 *boundaries of which are conterminous with the boundaries of an*
12 *incorporated city, created by a precinct plan approved pursuant to*
13 *section 10 of this act.*

14 **Sec. 5.** *“Precinct council” means the body appointed or*
15 *elected pursuant to section 11 of this act for the purpose of*
16 *managing a local school precinct.*

17 **Sec. 6.** *“Precinct plan” means a plan approved pursuant to*
18 *section 10 of this act for the purpose of creating a local school*
19 *precinct and vesting a precinct council with limited rights, powers*
20 *and duties to manage the schools located within the local school*
21 *precinct.*

22 **Sec. 7. 1.** *The governing body of an incorporated city may,*
23 *in the manner prescribed by sections 2 to 17, inclusive, of this act,*
24 *file a notice of intent with the State Board to create a local school*
25 *precinct.*

26 **2.** *The boundaries of a local school precinct created pursuant*
27 *to sections 2 to 17, inclusive, of this act must be conterminous with*
28 *the boundaries of the incorporated city forming the local school*
29 *precinct.*



1 3. *Each local school precinct shall be designated by the name*
2 *and style of “..... Local School Precinct,” using the name*
3 *of the incorporated city whose boundaries are conterminous with*
4 *the boundaries of the local school precinct.*

5 **Sec. 8. 1.** *The governing body of an incorporated city may*
6 *appoint a committee of five qualified electors to develop a*
7 *proposed precinct plan for the purpose of creating a local school*
8 *precinct.*

9 2. *A proposed precinct plan developed by a committee for the*
10 *purpose of creating a local school precinct may set forth any terms*
11 *and conditions necessary to facilitate the creation, operation,*
12 *management and administration of a local school precinct,*
13 *including, without limitation, terms and conditions relating to:*

14 (a) *The allocation, dedication and transfer of any revenue to a*
15 *local school precinct that may be dedicated to capital projects and*
16 *improvements for schools and school facilities, school programs,*
17 *students or other costs directly incidental to the operation,*
18 *management and administration of the local school precinct.*

19 (b) *The authority to issue bonds or otherwise raise revenue.*

20 (c) *The application for and receipt of any grant, gift or*
21 *bequest.*

22 (d) *The creation and administration of any accounts to*
23 *manage any money received by a local school precinct.*

24 (e) *The transfer of any interest in real or personal property,*
25 *including, without limitation, lease agreements.*

26 (f) *Precinct planning and management, including, without*
27 *limitation, financial planning for school programs, student*
28 *funding, capital projects and improvements.*

29 (g) *Administrative support, including, without limitation,*
30 *accounting, data processing, payroll and purchasing agreements.*

31 (h) *The liability of a local school precinct with respect to any*
32 *duties and obligations of the board of trustees which are assumed*
33 *by the precinct council.*

34 (i) *The civil and administrative liability of the local school*
35 *precinct or its employees.*

36 (j) *Interlocal agreements between a local school precinct and a*
37 *state, county or regional planning authority.*

38 (k) *Staffing, including, without limitation, the transfer,*
39 *reassignment or hiring of personnel.*

40 (l) *Employment contracts and collective bargaining.*

41 (m) *Employee and student safety.*

42 (n) *The maintenance of schools, school facilities and school*
43 *grounds.*

44 (o) *Transportation.*

45 (p) *Athletics.*



1 (q) Curriculum.

2 (r) The rights, duties and powers of a precinct council as such
3 rights, duties and powers relate to the terms of a proposed precinct
4 plan.

5 (s) Any other terms or conditions that may be required by
6 regulations adopted by the State Board.

7 **Sec. 9. 1.** A committee shall, upon completion of a
8 proposed precinct plan, submit the plan to the governing body for
9 approval. After notice and a hearing, the governing body shall
10 approve, disapprove or amend and approve the proposed precinct
11 plan.

12 2. Upon approving a proposed precinct plan, the governing
13 body shall file notice of its intent to create a local school precinct
14 with:

15 (a) The board of trustees of the school district in which the
16 local school precinct is proposed to be created;

17 (b) The board of county commissioners of the county in which
18 the local school precinct is proposed to be created;

19 (c) The State Board;

20 (d) The Committee on Local Government Finance; and

21 (e) Any other state, county or regional planning commission or
22 agency that exercises planning authority over any part of the area
23 proposed for inclusion in the local school precinct.

24 ↪ A notice filed pursuant to this subsection must include a copy of
25 the proposed precinct plan approved by the governing body.

26 3. Any entity that receives a notice pursuant to subsection 2
27 may:

28 (a) Review the proposed precinct plan included with the
29 notice; and

30 (b) Submit to the State Board any recommendations in writing
31 with respect to the proposed precinct plan.

32 **Sec. 10. 1.** The State Board, upon receiving a notice of
33 intent to create a local school precinct pursuant to section 9 of this
34 act, shall:

35 (a) Not later than 120 days after receiving the notice, conduct
36 a hearing to approve, disapprove or amend and approve the
37 proposed precinct plan to create a local school precinct.

38 (b) Not less than 30 days before conducting the hearing, cause
39 written notice of the date and location of the hearing to be
40 provided to:

41 (1) The governing body of the incorporated city that filed
42 the notice with the State Board;

43 (2) The board of trustees of the school district in which the
44 local school precinct is proposed to be created;



1 (3) *The board of county commissioners of the county in*
2 *which the local school precinct is proposed to be created;*

3 (4) *The Committee on Local Government Finance; and*

4 (5) *Any entity that submitted recommendations pursuant to*
5 *paragraph (b) of subsection 3 of section 9 of this act.*

6 2. *A hearing conducted pursuant to this section must be held*
7 *at a location within the boundaries of the incorporated city that*
8 *filed the notice with the State Board.*

9 3. *The State Board shall render a decision in writing*
10 *approving, disapproving or amending and approving a proposed*
11 *precinct plan not later than 10 days after the hearing.*

12 **Sec. 11.** 1. *Upon approval of a precinct plan pursuant to*
13 *section 10 of this act:*

14 (a) *The governing body of the incorporated city shall, as soon*
15 *as practicable, appoint five qualified persons to serve on an*
16 *interim precinct council until the permanent members of the*
17 *precinct council are elected pursuant to paragraph (b) and are*
18 *qualified to enter upon the discharge of their duties.*

19 (b) *The registered electors residing within the local school*
20 *precinct shall, at the next general city election held pursuant to*
21 *chapter 293C of NRS or the city charter, as applicable, and every 4*
22 *years thereafter, elect five members who are residents within*
23 *the local school precinct to serve on the precinct council for the*
24 *purposes of exercising the rights and powers and carrying out the*
25 *duties of the precinct council pursuant to the terms of the precinct*
26 *plan. The term of a member of a precinct council elected pursuant*
27 *to this section is 4 years.*

28 2. *Any vacancy occurring on a precinct council must be filled*
29 *by appointment by the governing body of the incorporated city. A*
30 *member appointed pursuant to this subsection shall serve until his*
31 *or her successor is elected at the next general city election and is*
32 *qualified to enter upon the discharge of his or her duties. A*
33 *successor elected pursuant to this subsection shall serve for the*
34 *balance of the unexpired term of the vacated position.*

35 3. *A precinct council duly appointed or elected pursuant to*
36 *this section is vested with all of the rights, duties and powers under*
37 *the authority granted to the precinct council pursuant to a precinct*
38 *plan approved pursuant to section 10 of this act.*

39 4. *To the extent that a precinct plan does not vest a precinct*
40 *council with authority to manage a local school precinct, the*
41 *board of trustees of the school district in which the local school*
42 *precinct is located shall perform all the duties and functions and*
43 *exercise any power vested with the board of trustees pursuant to*
44 *this title with respect to each school located within the local school*
45 *precinct.*



1 **Sec. 12. 1.** *A precinct council shall, at the first meeting of*
2 *each calendar year, appoint a chair, a vice chair and a secretary.*

3 2. *A precinct council shall meet at least once each calendar*
4 *quarter at such time and place as the council shall determine.*

5 3. *The chair shall call a special meeting of the precinct*
6 *council whenever there is sufficient business to come before the*
7 *precinct council, or upon the written request of not less than three*
8 *members of the precinct council.*

9 4. *A majority of the members of a precinct council constitutes*
10 *a quorum for the transaction of business, and a quorum may*
11 *exercise any right, duty or power vested with the precinct council*
12 *pursuant to a precinct plan.*

13 5. *A meeting conducted pursuant to this section must be*
14 *conducted in accordance with the provisions of chapter 241 of*
15 *NRS.*

16 **Sec. 13. 1.** *The governing body of an incorporated city for*
17 *which a local school precinct has been created shall prescribe by*
18 *ordinance a monthly salary to which each member of the precinct*
19 *council is entitled.*

20 2. *A member of the precinct council may:*

21 (a) *Donate all or a part of the monthly salary that he or she*
22 *receives to a school within the local school precinct; or*

23 (b) *In lieu of making a donation after the member receives the*
24 *salary, request that all or a part of his or her monthly salary be*
25 *paid directly to a school within the local school precinct.*

26 **Sec. 14. 1.** *A precinct council or a board of trustees may*
27 *request a hearing with the Superintendent of Public Instruction to*
28 *resolve any dispute with respect to a precinct plan.*

29 2. *Upon receiving a request pursuant to subsection 1, the*
30 *Superintendent shall:*

31 (a) *Not later than 30 days after receiving the request, conduct*
32 *a hearing.*

33 (b) *Not less than 10 days before conducting the hearing, cause*
34 *written notice to be provided to each party indicating the date and*
35 *location of the hearing.*

36 3. *The Superintendent shall render a decision in writing not*
37 *later than 10 days after the hearing. A written decision issued by*
38 *the Superintendent is final for the purposes of judicial review.*

39 **Sec. 15.** *Except as otherwise specifically provided for in*
40 *sections 2 to 17, inclusive, of this act and the terms of any*
41 *approved precinct plan, a local school precinct, precinct council*
42 *and each school located within the precinct are subject to any*
43 *other applicable provisions of law or regulation governing*
44 *education as prescribed by this title.*



1 **Sec. 16. 1.** *The governing body of an incorporated city*
2 *may, at any time after the creation of a local school precinct, file a*
3 *notice with the State Board of the governing body's intent to*
4 *dissolve the local school precinct.*

5 **2.** *Upon receiving a notice pursuant to subsection 1, the State*
6 *Board shall conduct a hearing in the manner prescribed by section*
7 *10 of this act.*

8 **3.** *The State Board shall, upon issuing an order dissolving a*
9 *local school precinct, provide for the orderly transfer of all rights,*
10 *powers, duties and obligations of the precinct council to the board*
11 *of trustees of the school district in which the local school precinct*
12 *was created.*

13 **Sec. 17.** *The State Board may adopt any regulations*
14 *necessary to carry out the provisions of sections 2 to 17, inclusive,*
15 *of this act.*

16 **Sec. 18.** NRS 277.103 is hereby amended to read as follows:

17 277.103 1. The governing bodies of a county, the largest city,
18 and each other incorporated city which chooses to participate may
19 consolidate the services provided by those governments, by
20 interlocal agreement pursuant to the provisions of NRS 277.105.

21 **2.** *Two or more boards of trustees of contiguous school*
22 *districts may consolidate the respective school districts by*
23 *interlocal agreement pursuant to subsection 3 of NRS 277.105.*
24 *The boundaries of a consolidated school district created by*
25 *interlocal agreement must be conterminous with the boundaries of*
26 *the contiguous school districts being consolidated.*

27 **3.** The provisions of this section and NRS 277.105 supplement,
28 and in case of conflict prevail over, the provisions of NRS 277.110
29 to 277.180, inclusive.

30 **Sec. 19.** NRS 277.105 is hereby amended to read as follows:

31 277.105 1. In a county in which governmental services are
32 consolidated, the governing bodies may establish a permanent
33 administrative entity to perform specific functions throughout the
34 participating cities and in the unincorporated area of the county,
35 including, but not limited to:

36 (a) Prevention and suppression of fire.

37 (b) Sanitation and sewerage.

38 (c) Planning, regulation of use of land and buildings, inspection
39 of buildings for safety, and the issuance of building permits.

40 (d) Regulation of business and gaming and issuance of business
41 and gaming licenses.

42 (e) Provision of parks and recreation, including the maintenance
43 of existing facilities.

44 (f) Provision of informational systems and data processing for
45 the county and participating cities.



1 (g) General services and the maintenance of buildings and
2 vehicles for the county and participating cities.

3 2. The county and each participating city may negotiate
4 concerning the manner of contributing to the budget of the
5 administrative entity in proportion to the sum of revenues derived
6 by each from taxes, licenses for business and gaming, and fees for
7 services performed, in each city and in the unincorporated area of
8 the county, respectively.

9 **3. *An interlocal agreement entered into between two or more***
10 ***boards of trustees for the purposes of consolidating contiguous***
11 ***school districts may set forth any terms and conditions necessary***
12 ***to facilitate the creation, operation, management and***
13 ***administration of the consolidated school district.***

14 **Sec. 20.** This act becomes effective:

15 1. Upon passage and approval for the purpose of adopting
16 regulations and performing any other preparatory administrative
17 tasks that are necessary to carry out the provisions of this act; and

18 2. On January 1, 2016, for all other purposes.

