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SECOND REPRINT

A.B. 394

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—Creates an advisory committee and a technical committee to develop a plan to reorganize the Clark County School District and revises certain provisions related to collective bargaining. (BDR 22-900)

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; authorizing boards of trustees of contiguous school districts to consolidate their respective school districts; creating an advisory committee and technical advisory committee for the purpose of developing a plan to reorganize the Clark County School District into certain local school precincts; providing for the membership, compensation and duties of the committees; requiring the State Board of Education to adopt regulations providing for the implementation of the plan; revising provisions related to collective bargaining, contingent upon implementation of the plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each local government employer to engage in collective
2 bargaining with the recognized employee organization, if any, for each appropriate
3 bargaining unit among its employees. (NRS 288.150) For these purposes, effective
4 upon implementation of the plan for the reorganization of the Clark County School
5 District into local school precincts pursuant to **sections 21-29** of this bill, **section**
6 **20.7** of this bill provides that the District remains a local government employer
7 with respect to employees engaged in any centralized services or functions
8 provided or performed by the District, while each local school precinct becomes the
9 local government employer of employees engaged in the services or functions of
10 the local school precinct. Existing law establishes a process for the resolution of
11 impasses in bargaining involving a school district and an employee organization



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12 representing teachers or educational support personnel. (NRS 288.217) **Section**
13 **20.9** of this bill revises these provisions to make them applicable also to a local
14 school precinct.

15 Existing law creates county school districts, the boundaries of which are
16 coterminous with the boundaries of the counties of this State. (NRS 386.010)
17 **Sections 20.1 and 20.2** of this bill authorize two or more boards of trustees of
18 contiguous school districts to consolidate the respective school districts by
19 interlocal agreement.

20 **Section 25** of this bill provides for the creation of an advisory committee for
21 the purpose of developing a plan to reorganize the Clark County School District
22 into local school precincts and to study the distribution of federal, state and local
23 funds and the impact of local school precincts on public school financing. **Section**
24 **26** of this bill creates a technical advisory committee for the purpose of assisting
25 the advisory committee. **Sections 25 and 26** also provide for the membership,
26 compensation and duties of the respective committees. **Section 27** of this bill
27 requires the advisory committee, in consultation with the technical advisory
28 committee, to contract with a consultant for the purposes of conducting a study
29 with respect to developing the plan and with the study of the distribution of federal,
30 state and local funds and the impact of the precincts on public school financing.
31 **Section 27** authorizes the advisory committee to request from the Interim Finance
32 Committee an allocation of money to conduct the study. **Section 27** prescribes the
33 subject matter which must be contemplated by the advisory committee in
34 developing the plan. **Section 28** of this bill requires the Board of County
35 Commissioners of Clark County to conduct certain public meetings within the
36 County for the purpose of receiving public comment and input with respect to a
37 proposed plan. **Section 28** requires the advisory committee to file the plan with the
38 State Board of Education, the Board of Trustees of the Clark County School
39 District and the Director of the Legislative Counsel Bureau for transmittal to the
40 79th Session of the Nevada Legislature. **Section 28** also requires the State Board to
41 adopt regulations necessary and appropriate to effectuate the implementation of the
42 plan not later than the 2018-2019 school year. The plan must not be implemented
43 until the regulations are adopted and effective.

1 WHEREAS, The system of public education in Nevada is
2 organized by county school districts, the boundaries of which are
3 coterminous with the boundaries of this State; and

4 WHEREAS, Recent statistics indicate that the Clark County
5 School District is ranked as the fifth school district in the nation
6 with the highest enrollment of pupils and the seventh largest by area
7 in the continental United States, covering over 8,000 square miles;
8 and

9 WHEREAS, The Clark County School District, with a pupil
10 enrollment of approximately 315,000 pupils, accounts for 70 percent
11 of the pupils who are enrolled in the public schools of this State; and

12 WHEREAS, The unique geography of this State has resulted in
13 the concentration of some schools and pupils at locations that are
14 considerably distant and remote from the centralized administrative
15 offices of the various school districts; and

16 WHEREAS, Allowing smaller school districts to consolidate
17 services, functions and personnel could result in cost effective



1 savings and provide more accessibility for pupils and parents who
2 reside in remote areas of this State; and

3 WHEREAS, Reconfiguring the structure of the Clark County
4 School District into local school precincts will offer an educational
5 system that is responsive to the needs and concerns of the residents
6 of that school district; and

7 WHEREAS, The plan to develop local school precincts will take a
8 considerable amount of time and study to ensure the plan is
9 designed in a manner that benefits the residents of the Clark County
10 School District, now, therefore,

11
12 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
13 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
14

15 **Section 1.** (Deleted by amendment.)

16 **Sec. 2.** (Deleted by amendment.)

17 **Sec. 3.** (Deleted by amendment.)

18 **Sec. 4.** (Deleted by amendment.)

19 **Sec. 5.** (Deleted by amendment.)

20 **Sec. 6.** (Deleted by amendment.)

21 **Sec. 7.** (Deleted by amendment.)

22 **Sec. 8.** (Deleted by amendment.)

23 **Sec. 9.** (Deleted by amendment.)

24 **Sec. 10.** (Deleted by amendment.)

25 **Sec. 11.** (Deleted by amendment.)

26 **Sec. 12.** (Deleted by amendment.)

27 **Sec. 13.** (Deleted by amendment.)

28 **Sec. 14.** (Deleted by amendment.)

29 **Sec. 15.** (Deleted by amendment.)

30 **Sec. 16.** (Deleted by amendment.)

31 **Sec. 17.** (Deleted by amendment.)

32 **Sec. 18.** (Deleted by amendment.)

33 **Sec. 19.** (Deleted by amendment.)

34 **Sec. 20.** (Deleted by amendment.)

35 **Sec. 20.1.** NRS 277.103 is hereby amended to read as follows:

36 277.103 1. The governing bodies of a county, the largest city,
37 and each other incorporated city which chooses to participate may
38 consolidate the services provided by those governments, by
39 interlocal agreement pursuant to the provisions of NRS 277.105.

40 2. *Two or more boards of trustees of contiguous school*
41 *districts may consolidate the respective school districts, by*
42 *interlocal agreement pursuant to the provisions of subsection 3 of*
43 *NRS 277.105. The boundaries of a consolidated school district*
44 *created by interlocal agreement must be coterminous with the*
45 *boundaries of the contiguous school districts being consolidated.*



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

4 **Sec. 20.2.** NRS 277.105 is hereby amended to read as follows:

5 277.105 1. In a county in which governmental services are
6 consolidated, the governing bodies may establish a permanent
7 administrative entity to perform specific functions throughout the
8 participating cities and in the unincorporated area of the county,
9 including, but not limited to:

10 (a) Prevention and suppression of fire.

11 (b) Sanitation and sewerage.

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

14 (d) Regulation of business and gaming and issuance of business
15 and gaming licenses.

16 (e) Provision of parks and recreation, including the maintenance
17 of existing facilities.

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

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

22 2. The county and each participating city may negotiate
23 concerning the manner of contributing to the budget of the
24 administrative entity in proportion to the sum of revenues derived
25 by each from taxes, licenses for business and gaming, and fees for
26 services performed, in each city and in the unincorporated area of
27 the county, respectively.

28 **3.** *An interlocal agreement entered into between two or more
29 boards of trustees for the purposes of consolidating contiguous
30 school districts may set forth any terms and conditions necessary
31 to facilitate the creation, operation, management and
32 administration of the consolidated school district.*

33 **Sec. 20.3.** Chapter 288 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *“Local school precinct” means a local school precinct that is
36 organized in the Clark County School District in accordance with
37 a plan developed and implemented pursuant to sections 21 to 29,
38 inclusive, of this act.*

39 **Sec. 20.5.** NRS 288.020 is hereby amended to read as follows:

40 288.020 As used in this chapter, unless the context otherwise
41 requires, the words and terms defined in NRS 288.025 to 288.075,
42 inclusive, *and section 20.3 of this act* have the meanings ascribed to
43 them in those sections.

44 **Sec. 20.7.** NRS 288.060 is hereby amended to read as follows:

45 288.060 ~~“Local~~



1 **1. Except as otherwise provided in subsection 3, “local**
2 **government employer” means any political subdivision of this State**
3 **or any public or quasi-public corporation organized under the laws**
4 **of this State. ~~and~~**

5 **2. The term** includes, without limitation, counties, cities,
6 unincorporated towns, school districts, charter schools, hospital
7 districts, irrigation districts and other special districts.

8 **3. Regarding the Clark County School District, the term**
9 **means:**

10 **(a) With respect to any centralized services or functions**
11 **provided or performed by the District in accordance with a plan**
12 **developed and implemented pursuant to sections 21 to 29,**
13 **inclusive, of this act, the District; or**

14 **(b) With respect to the services or functions of a local school**
15 **precinct not described in paragraph (a), the local school precinct.**

16 **Sec. 20.9.** NRS 288.217 is hereby amended to read as follows:

17 288.217 1. The provisions of this section govern negotiations
18 between school districts **or local school precincts** and employee
19 organizations representing teachers and educational support
20 personnel.

21 2. If the parties to a negotiation pursuant to this section have
22 failed to reach an agreement after at least four sessions of
23 negotiation, either party may declare the negotiations to be at an
24 impasse and, after 5 days’ written notice is given to the other party,
25 submit the issues remaining in dispute to an arbitrator. The arbitrator
26 must be selected in the manner provided in subsection 2 of NRS
27 288.200 and has the powers provided for fact finders in
28 NRS 288.210.

29 3. The arbitrator shall, within 30 days after the arbitrator is
30 selected, and after 7 days’ written notice is given to the parties, hold
31 a hearing to receive information concerning the dispute. The hearing
32 must be held in the county in which the school district **or local**
33 **school precinct** is located and the arbitrator shall arrange for a full
34 and complete record of the hearing.

35 4. The parties to the dispute shall each pay one-half of the costs
36 of the arbitration.

37 5. A determination of the financial ability of a school district **or**
38 **local school precinct** must be based on:

39 (a) All existing available revenues as established by the school
40 district **or local school precinct** and within the limitations set forth
41 in NRS 354.6241, with due regard for the obligation of the school
42 district **or local school precinct** to provide an education to the
43 children residing within the district ~~+~~ **or local school precinct.**

44 (b) Consideration of funding for the current year being
45 negotiated. If the parties mutually agree to arbitrate a multi-year



1 contract the arbitrator must consider the ability to pay over the life
2 of the contract being negotiated or arbitrated.

3 ➔ Once the arbitrator has determined in accordance with this
4 subsection that there is a current financial ability to grant monetary
5 benefits, the arbitrator shall consider, to the extent appropriate,
6 compensation of other governmental employees, both in and out of
7 this State.

8 6. At the recommendation of the arbitrator, the parties may,
9 before the submission of a final offer, enter into negotiations. If the
10 negotiations are begun, the arbitrator may adjourn the hearing for a
11 period of 3 weeks. If an agreement is reached, it must be submitted
12 to the arbitrator, who shall certify it as final and binding.

13 7. If the parties do not enter into negotiations or do not agree
14 within 30 days after the hearing held pursuant to subsection 3, each
15 of the parties shall submit a single written statement containing its
16 final offer for each of the unresolved issues.

17 8. The arbitrator shall, within 10 days after the final offers are
18 submitted, render a decision on the basis of the criteria set forth in
19 NRS 288.200. The arbitrator shall accept one of the written
20 statements and shall report the decision to the parties. The decision
21 of the arbitrator is final and binding on the parties. Any award of the
22 arbitrator is retroactive to the expiration date of the last contract
23 between the parties.

24 9. The decision of the arbitrator must include a statement:

25 (a) Giving the arbitrator's reason for accepting the final offer
26 that is the basis of the arbitrator's award; and

27 (b) Specifying the arbitrator's estimate of the total cost of the
28 award.

29 10. Within 45 days after the receipt of the decision from the
30 arbitrator, the board of trustees of the school district *or the*
31 *governing body of the local school precinct, as applicable*, shall
32 hold a public meeting in accordance with the provisions of chapter
33 241 of NRS. The meeting must include a discussion of:

34 (a) The issues submitted pursuant to subsection 2;

35 (b) The statement of the arbitrator pursuant to subsection 9; and

36 (c) The overall fiscal impact of the decision which must not
37 include a discussion of the details of the decision.

38 ➔ The arbitrator must not be asked to discuss the decision during
39 the meeting.

40 11. The superintendent of the school district *or the executive*
41 *head of the local school precinct* shall report to the board of
42 trustees *or the governing body of the local school precinct, as*
43 *applicable*, the fiscal impact of the decision. The report must
44 include, without limitation, an analysis of the impact of the decision



1 on compensation and reimbursement, funding, benefits, hours,
2 working conditions or other terms and conditions of employment.

3 12. As used in this section:

4 (a) "Educational support personnel" means all classified
5 employees of a school district, other than teachers, who are
6 represented by an employee organization.

7 (b) "Teacher" means an employee of a school district who is
8 licensed to teach in this State and who is represented by an
9 employee organization.

10 **Sec. 21.** As used in sections 21 to 29, inclusive, of this act,
11 unless the context otherwise requires, the words and terms defined
12 in sections 22, 23 and 24 of this act have the meanings ascribed to
13 them in those sections.

14 **Sec. 22.** "Advisory committee" means the advisory committee
15 created by section 25 of this act.

16 **Sec. 23.** "Plan" means the plan required by paragraph (a) of
17 subsection 1 of section 25 of this act.

18 **Sec. 24.** "Technical advisory committee" means the technical
19 advisory committee created by section 26 of this act.

20 **Sec. 24.5.** The Legislature hereby finds and declares that a
21 general law cannot be made applicable to the purposes, objects,
22 powers, rights, privileges, immunities, liabilities, duties and
23 disabilities provided in sections 21 to 29, inclusive, of this act
24 because of the number of atypical factors and special conditions
25 relating to the Clark County School District.

26 **Sec. 25.** 1. There is hereby created an advisory committee to:

27 (a) Develop a plan and recommendations to reorganize the Clark
28 County School District into local school precincts not later than the
29 2018-2019 school year.

30 (b) Study the distribution of federal, state and local funds and
31 the impact of local school precincts on public school financing.

32 2. The advisory committee consists of nine members appointed
33 as follows:

34 (a) Four members of the Senate who are elected from districts
35 which include any area located within Clark County, two of whom
36 are appointed by the Majority Leader of the Senate and two of
37 whom are appointed by the Minority Leader of the Senate.

38 (b) Four members of the Assembly who are elected from
39 districts which include any area located within Clark County, two of
40 whom are appointed by the Speaker of the Assembly and two of
41 whom are appointed by the Minority Leader of the Assembly.

42 (c) One Legislator appointed by the Legislative Commission
43 who is elected from a district which includes any area located within
44 Clark County.



1 3. At the first meeting of the advisory committee, the advisory
2 committee shall elect a Chair and a Vice Chair from among its
3 members.

4 4. A majority of the members of the advisory committee
5 constitutes a quorum for the transaction of business, and a majority
6 of those members present at any meeting is sufficient for any
7 official action taken by the advisory committee.

8 5. A vacancy in the membership of the advisory committee
9 must be filled in the same manner as the original appointment.

10 6. Members of the advisory committee serve without
11 compensation, except that a member is entitled, while engaged in
12 the business of the advisory committee, to receive the per diem
13 allowance and travel expenses provided for state officers and
14 employees generally.

15 **Sec. 26.** 1. To assist the advisory committee with technical
16 expertise, input, advice and assistance, a technical advisory
17 committee is hereby created consisting of the following members:

18 (a) One member appointed by the governing body of each
19 incorporated city located within Clark County.

20 (b) One member appointed by the Governor.

21 (c) One member appointed by the State Board of Education.

22 (d) One member appointed by the Board of Trustees of the
23 Clark County School District.

24 (e) One member appointed by the Board of County
25 Commissioners of Clark County.

26 (f) One member appointed by the Legislative Commission from
27 a list of recommendations made by the Clark County Education
28 Association.

29 (g) One member appointed by the Legislative Commission from
30 a list of recommendations made by the Urban Chamber of
31 Commerce.

32 (h) One member appointed by the Legislative Commission from
33 a list of recommendations made by the Latin Chamber of
34 Commerce, Nevada Inc.

35 (i) One member who is a parent or guardian of a pupil enrolled
36 in the Clark County School District appointed by the Legislative
37 Commission from a list of recommendations made by the Nevada
38 Parent Teacher Association.

39 (j) One member appointed by the Legislative Commission from
40 a list of recommendations made by the Las Vegas Asian Chamber of
41 Commerce.

42 (k) Any other persons who have knowledge, experience or
43 expertise in the matters before the advisory committee, appointed by
44 the Chair of the advisory committee.



1 2. At the first meeting of the technical advisory committee, the
2 technical advisory committee shall elect a Chair and a Vice Chair
3 from among its members.

4 3. The members of the technical advisory committee serve
5 without compensation, except that a member is entitled, while
6 engaged in the business of the technical advisory committee, to
7 receive the per diem allowance and travel expenses provided for
8 state officers and employees generally.

9 **Sec. 27.** 1. The advisory committee shall, in consultation
10 with the technical advisory committee and to the extent money is
11 available pursuant to subsection 2 and from any gifts or grants
12 received for this purpose:

13 (a) Contract with a qualified independent consultant to perform
14 a study and assist the advisory committee with:

15 (1) Developing the plan required by paragraph (a) of
16 subsection 1 of section 25 of this act; and

17 (2) Studying the distribution of federal, state and local funds
18 and the impact of local school precincts on public school financing.

19 (b) As soon as practicable, establish benchmarks that must be
20 met within the Clark County School District to ensure that the plan
21 may be implemented not later than the 2018-2019 school year.

22 2. The advisory committee may request approval from the
23 Interim Finance Committee for an allocation of money to conduct
24 the plan and the study required pursuant to paragraph (a) of
25 subsection 1.

26 3. The plan and the study conducted pursuant to paragraph (a)
27 of subsection 1 must be completed on or before January 1, 2017.

28 4. In developing the plan to reorganize the Clark County
29 School District, the advisory committee must:

30 (a) Ensure equity in the reorganization of the Clark County
31 School District with respect to the Nevada Plan.

32 (b) Take into consideration:

33 (1) The contiguous boundaries of each proposed local school
34 precinct.

35 (2) The allocation, dedication and transfer of any revenue to
36 a local school precinct that may be dedicated to capital projects and
37 improvements for schools and school facilities, school programs,
38 pupils or other costs directly incidental to the operation,
39 management and administration of the local school precinct.

40 (3) The authority to issue bonds or otherwise raise revenue.

41 (4) The application for and receipt of any grant, gift or
42 bequest.

43 (5) The creation and administration of accounts to manage
44 any money received by a local school precinct.



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1 (6) The transfer of any interest in real or personal property,
2 including, without limitation, lease agreements.

3 (7) Precinct planning and management, including, without
4 limitation, financial planning for school programs, pupil funding
5 and capital projects and improvements.

6 (8) Administrative support, including, without limitation,
7 accounting, data processing, payroll and purchasing agreements.

8 (9) The liability of a local school precinct with respect to any
9 duties and obligations of the Board of Trustees of the Clark County
10 School District which will be assumed by the governing body of a
11 precinct.

12 (10) The civil and administrative liability of a local school
13 precinct and its employees.

14 (11) Interlocal agreements between a local school precinct
15 and a state, county or regional planning authority.

16 (12) Staffing, including, without limitation, the transfer,
17 reassignment or hiring of personnel.

18 (13) Employment contracts and collective bargaining.

19 (14) Employee and pupil safety.

20 (15) The maintenance of schools, school facilities and school
21 grounds.

22 (16) Transportation.

23 (17) Interscholastic athletics and activities.

24 (18) Curriculum.

25 (19) The provision of services and education to pupils:

26 (I) Who have limited proficiency in the English language.

27 (II) Who are eligible for free or reduced-price lunches
28 pursuant to 42 U.S.C. §§ 1751 et seq.

29 (III) With disabilities.

30 (20) The composition of the governing body for each local
31 school precinct and the compensation, if any, of the members of a
32 governing body.

33 (c) Ensure that the Clark County School District is funded in
34 accordance with the Nevada Plan and that such funding is
35 distributed on a per pupil basis among the local school precincts
36 created by the plan.

37 (d) Authorize one or more local school precincts to consider and
38 agree with the Clark County School District to share in any bonding
39 capacity of the District and to otherwise raise revenue.

40 5. As used in this section, "Nevada Plan" means the formula
41 created for providing state financial aid to public education
42 prescribed in NRS 387.121.

43 **Sec. 28.** 1. Upon completion of the preliminary findings and
44 the proposed plan prepared pursuant to subparagraph (1) of
45 paragraph (a) of subsection 1 of section 27 of this act, the Board of



1 County Commissioners of Clark County shall conduct not less than
2 six public meetings. Not less than one of the public meetings
3 conducted pursuant to this section must be held in an unincorporated
4 area of Clark County.

5 2. At each public meeting conducted pursuant to this section,
6 the advisory committee and the consultant retained pursuant to
7 paragraph (a) of subsection 1 of section 27 of this act shall present
8 the preliminary findings and the proposed plan prepared pursuant to
9 subparagraph (1) of paragraph (a) of subsection 1 of section 27 of
10 this act for the purpose of receiving public comment and input.

11 3. Upon completion of the public meetings conducted pursuant
12 to this section, the advisory committee shall:

13 (a) Revise the proposed plan, as necessary;

14 (b) File the proposed plan with the State Board of Education and
15 the Board of Trustees of the Clark County School District; and

16 (c) Submit a copy of the proposed plan to the Director of the
17 Legislative Counsel Bureau for transmittal to the 79th Session of the
18 Nevada Legislature.

19 4. The State Board of Education shall adopt regulations
20 necessary and appropriate to effectuate the implementation of the
21 proposed plan not later than the 2018-2019 school year. The plan
22 must not be implemented until the regulations are adopted and
23 become effective.

24 **Sec. 28.3.** Upon notice from the State Board of Education that
25 the plan developed pursuant to sections 21 to 29, inclusive, of this
26 act has been implemented, the Governor shall issue a proclamation
27 to that effect.

28 **Sec. 28.5.** The advisory committee shall submit a report of the
29 results of the study required by paragraph (b) of subsection 1 of
30 section 25 of this act and any recommendations for legislation to the
31 Director of the Legislative Counsel Bureau for transmittal to the
32 79th Session of the Nevada Legislature.

33 **Sec. 29.** The members of the advisory committee and the
34 technical advisory committee must be appointed on or before
35 January 1, 2016. The Chair of the advisory committee shall convene
36 the first meeting of the technical advisory committee.

37 **Sec. 30.** 1. This section and sections 20.1, 20.2 and 21 to 29,
38 inclusive, of this act become effective on July 1, 2015.

39 2. Sections 20.3 to 20.9, inclusive, of this act become effective
40 upon the issuance of the proclamation by the Governor pursuant to
41 section 28.3 of this act.



