

SENATE BILL NO. 243—SENATORS KIECKHEFER AND ROBERSON

MARCH 7, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the board of trustees of certain school districts. (BDR 34-104)

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; revising provisions relating to the election of the board of trustees of certain school districts; providing for the appointment of certain trustees; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the board of trustees of a school district in which more than  
2 25,000 pupils are enrolled (currently the Clark and Washoe County School  
3 Districts) is comprised of seven members who are elected from election districts  
4 established by the board to terms of 4 years. (NRS 386.165) **Section 1** of this bill  
5 eliminates the election districts and requires that three members of the board be  
6 elected at large. In a school district in which more than 25,000 pupils but not more  
7 than 75,000 pupils are enrolled, **section 1** requires that the remaining members be  
8 appointed by the Governor, the board of county commissioners of the county in  
9 which the school district is located and the governing bodies of the two most  
10 populous incorporated cities in the county. In a school district in which more than  
11 75,000 pupils are enrolled, **section 1** requires that the remaining members of the  
12 board be appointed by the board of county commissioners of the county in which  
13 the school district is located and the governing bodies of the three most populous  
14 incorporated cities in the county. **Section 5** of this bill provides the manner of  
15 filling a vacancy on the board when the former member was elected. **Section 1**  
16 requires a vacancy on the board when the former member was required by statute to  
17 be appointed to be filled by the appointing authority. **Section 8** of this bill  
18 establishes the manner in which the current members will be replaced.



\* S B 2 4 3 \*

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

- 1       **Section 1.** NRS 386.165 is hereby amended to read as follows:  
2       386.165 1. In each county school district in which more than  
3 75,000 pupils are enrolled, the board of trustees ~~shall establish~~  
4 ~~seven election districts for school trustees. The districts must be:~~  
5 ~~—(a) As nearly equal in population as practicable; and~~  
6 ~~—(b) Composed of contiguous territory.~~ *consists of seven*  
7 *members, of whom:*  
8       *(a) Three members must be elected at large;*  
9       *(b) One member must be appointed by the board of county*  
10 *commissioners of the county in which the school district is*  
11 *located; and*  
12       *(c) Three members must be appointed by the governing bodies*  
13 *of the three most populous incorporated cities in the county, with*  
14 *each governing body appointing one member. Each member*  
15 *appointed pursuant to this paragraph must reside in the city from*  
16 *which he or she is appointed.*  
17       2. In each county school district in which more than 25,000  
18 pupils but not more than 75,000 pupils are enrolled, the board of  
19 trustees ~~shall establish seven election districts for school trustees;~~  
20 ~~as follows:~~  
21 ~~—(a) Five districts which are as nearly equal in population as~~  
22 ~~practicable, each of which includes approximately one-fifth of the~~  
23 ~~population of the county; and~~  
24 ~~—(b) Two districts which are as nearly equal in population as~~  
25 ~~practicable, each of which includes approximately one-half of the~~  
26 ~~population of the county.~~  
27 ~~—The districts must be composed of contiguous territory.~~  
28 ~~—3. Each trustee of a school district to which this section applies~~  
29 ~~must reside in the election district which the trustee represents and~~  
30 ~~be elected by the voters of that election district.~~  
31 ~~—4. In each school district in which more than 25,000 pupils are~~  
32 ~~enrolled, the] consists of seven members, of whom:~~  
33       *(a) Three members must be elected at large;*  
34       *(b) One member must be appointed by the Governor;*  
35       *(c) One member must be appointed by the board of county*  
36 *commissioners of the county in which the school district is*  
37 *located; and*  
38       *(d) Two members must be appointed by the governing bodies*  
39 *of the two most populous incorporated cities in the county, with*  
40 *each governing body appointing one member. Each member*  
41 *appointed pursuant to this paragraph must reside in the city from*  
42 *which he or she is appointed.*



1       **3. The** term of a school trustee is 4 years. ~~Three trustees must~~  
2 ~~be elected at the general election of 1982 and four trustees must be~~  
3 ~~elected at the general election of 1984.] Any vacancy occurring in~~  
4 ~~an:~~

5       **(a) Elected position on the board of trustees must be filled as**  
6 **provided in NRS 386.270.**

7       **(b) Appointed position on the board of trustees must be filled**  
8 **by the appointing authority. A member appointed pursuant to this**  
9 **paragraph shall serve for the balance of the unexpired term, but**  
10 **may be reappointed.**

11       **Sec. 2.** NRS 386.240 is hereby amended to read as follows:

12       386.240 A candidate for **election to** the office of trustee of a  
13 school district shall:

14       1. Be a qualified elector.

15       2. Have the qualifications of residence within the county  
16 school district required for the office for which he or she seeks  
17 election.

18       **Sec. 3.** NRS 386.250 is hereby amended to read as follows:

19       386.250 1. Candidates for **election to** the office of trustee  
20 shall be nominated in the manner provided by the primary election  
21 laws of this state.

22       2. The declaration of candidacy and the acceptance of a  
23 candidacy by candidates for **election to** the office of trustee of a  
24 county school districts shall be filed with the county clerk of the  
25 county whose boundaries are conterminous with the county school  
26 district boundaries.

27       **Sec. 4.** NRS 386.260 is hereby amended to read as follows:

28       386.260 1. ~~Trustees shall~~ **Except as otherwise provided in**  
29 **NRS 386.165, trustees must** be elected as provided in the election  
30 laws of this state.

31       2. After the close of any election, and in accordance with law,  
32 the board of county commissioners shall make abstracts of the votes  
33 cast for trustees and shall order the county clerk to issue election  
34 certificates to the candidates elected.

35       3. Immediately, the county clerk shall transmit a copy of each  
36 election certificate to the Superintendent of Public Instruction.

37       **Sec. 5.** NRS 386.270 is hereby amended to read as follows:

38       386.270 Except as otherwise provided in NRS **386.165 and**  
39 **386.275:**

40       1. Any vacancy occurring in a board of trustees must be filled  
41 by appointment by the remaining members of the board at a public  
42 meeting held after notice of the meeting is published at least once  
43 each week for 2 weeks in a newspaper qualified pursuant to the  
44 provisions of chapter 238 of NRS. The appointee shall serve until



1 the next general election, at which time his or her successor must be  
2 elected for the balance of the unexpired term.

3 2. Any person appointed to fill a vacancy must have the  
4 qualifications provided in NRS 386.240.

5 **Sec. 6.** NRS 386.275 is hereby amended to read as follows:

6 386.275 1. ~~##~~ **Except as otherwise provided in NRS**  
7 **386.165, if** a vacancy occurs, or will occur, in a board of trustees  
8 because a member of the board has entered, or is entering, into  
9 active military service, the board of trustees may appoint a person to  
10 serve as a temporary replacement for that member. Such a  
11 temporary appointment must be made in the manner, and subject to  
12 the requirements, otherwise prescribed in NRS 386.270, except that  
13 the member of the board of trustees who has entered, or is entering,  
14 into active military service may participate in the process to appoint  
15 his or her temporary replacement.

16 2. If a person is temporarily appointed to serve on a board of  
17 trustees pursuant to this section:

18 (a) The person fully assumes the duties, rights and  
19 responsibilities of a member of the board of trustees, and is entitled  
20 to the compensation, allowances and expenses otherwise payable to  
21 a member, for the duration of his or her appointment.

22 (b) The member of a board of trustees who is temporarily  
23 replaced shall be deemed to be on leave without pay from the board  
24 of trustees for the duration of the appointment of his or her  
25 temporary replacement.

26 3. A person appointed to serve on the board of trustees  
27 pursuant to this section serves:

28 (a) Until the member of the board of trustees being temporarily  
29 replaced returns from active military service; or

30 (b) For the remainder of the unexpired term of that member,  
31 ↪ whichever occurs first.

32 **Sec. 7.** NRS 386.300 is hereby amended to read as follows:

33 386.300 Each **elected** trustee shall:

34 1. Enter upon the duties of office on the 1st Monday in January  
35 next following the election of the trustee.

36 2. Hold office until his or her successor is elected and  
37 qualified.

38 3. Take and subscribe to the official oath.

39 4. File with the Superintendent of Public Instruction a copy of  
40 his or her official oath together with a statement showing the term  
41 for which the trustee has been elected or appointed.

42 **Sec. 8.** 1. Notwithstanding the provisions of NRS 386.165,  
43 as amended by section 1 of this act, the members of a board of  
44 trustees:



- 1 (a) Of a school district in which more than 25,000 pupils are  
2 enrolled; and  
3 (b) Who are incumbent on July 1, 2017,  
4 ↪ shall continue to serve until the expiration of the terms for which  
5 they were elected.
- 6 2. The successors of the members of each board of trustees  
7 whose terms expire in 2018 must be elected at large in accordance  
8 with the provisions of NRS 386.165, as amended by section 1 of this  
9 act. Any vacancy occurring before the expiration of the term of such  
10 a member must be filled as provided in NRS 386.270.
- 11 3. The successors of the members of each board of trustees  
12 whose terms expire in 2020 must be appointed in accordance with  
13 the provisions of NRS 386.165, as amended by section 1 of this act.  
14 Any vacancy occurring before the expiration of the term of such a  
15 member must be filled by the appointing authority as provided in  
16 NRS 386.165, as amended by section 1 of this act.
- 17 **Sec. 9.** This act becomes effective on July 1, 2017.

