

Assembly Bill No. 175–Assemblymen Yurek
and Bilbray-Axelrod

CHAPTER.....

AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled (currently Clark County School District) are elected from seven election districts, established by the board of trustees, that are as nearly equal in population as possible and are composed of contiguous territory. (NRS 386.165) **Section 1.5** of this bill adds four nonvoting members to the board of trustees of such a county school district, of whom: (1) one nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located who must also reside in the school district; and (2) three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member who must reside in the city of the governing body that appoints him or her.

Section 1.5 also provides that the nonvoting members of the board of trustees: (1) have, with certain exceptions, the same rights and responsibilities as the voting members; and (2) do not have voting rights for the election of officers or the authority to serve as an officer of the board of trustees. **Section 1.5** further provides that each trustee holds office until his or her successor is appointed or elected and qualified. **Section 7.5** of this bill makes a conforming change to require officers of the board of trustees to be elected, voting members of the board of trustees.

Section 1 of this bill makes a conforming change to provide that a board of trustees of a county school district in which more than 75,000 pupils are enrolled consists of 11 members.

Sections 2-4 of this bill make conforming changes that clarify that certain requirements for a candidate for the board of trustees of a school district only apply to candidates who are elected and not appointed.

Section 5 of this bill makes a conforming change that requires vacancies among the elected members of a board of trustees of a school district to be filled by appointment by the remaining elected members at a public meeting of the board of trustees. **Section 5** additionally requires that vacancies that occur among the appointed members of a board of trustees of a school district must be filled by the appointing authority. **Section 6** of this bill makes a conforming change by allowing for the governing body, and not exclusively the board of trustees, to appoint a member to a temporary vacancy in the event a vacancy occurs due to a member entering active military service.

Section 7 of this bill makes a conforming change by deleting certain provisions governing the term of office of a member of a board of trustees of a school district which have been moved to **section 1.5**.

Under existing law, a majority of the members of the board of trustees constitutes a quorum and no action of the board of trustees is valid unless the action receives the approval of a majority of all the members of the board of trustees at a regularly called meeting. (NRS 386.330) **Section 8.5** of this bill provides that a majority of the elected members of the board of trustees constitutes a quorum and



that no action of the board of trustees is valid unless the action receives the approval of a majority of all the elected members of the board of trustees at a regularly called meeting.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 386.120 is hereby amended to read as follows:

386.120 1. The board of trustees of a county school district consists of ~~five~~ **5, 7** or ~~seven~~ **11** members as follows:

(a) ***If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. The members of the board must be elected and appointed as provided in NRS 386.165.***

(b) If 1,000 or more ***but not more than 75,000*** pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~(b)~~ (c) If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~(c)~~ (d) If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph ~~(a)~~ (b). If the board consists of five members, the election of members is governed by paragraph ~~(b)~~ (c).

2. Before the adoption of a resolution pursuant to paragraph ~~(c)~~ (d) of subsection 1, the board of trustees shall post conspicuously, in three different places in the school district, a notice containing in full the text of the resolution with the date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less



than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph ~~[(e)]~~ (d) of subsection 1, it must transmit a copy of the resolution to the Superintendent of Public Instruction on or before December 15 of the year before the general election will be held.

Sec. 1.5. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

- (a) As nearly equal in population as practicable; and
- (b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[(2)]~~ 3. In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

↳ The districts must be composed of contiguous territory.

~~[(3)]~~ 4. Each *elected* trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

~~[(4)]~~ 5. In each school district in which more than 25,000 pupils *but not more than 75,000 pupils* are enrolled, the *board of trustees*



is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.

6. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

7. The term of office of a school trustee is 4 years ~~[-Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.]~~ , commencing on the first Monday of January thereafter next following the election of the trustee.

8. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

9. The nonvoting members of the board of trustees appointed pursuant to subsection 2:

(a) Except as otherwise provided in paragraph (b), shall have the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) Do not have voting rights for the election of officers or the authority to serve as an officer of the board of trustees.

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

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

1. Be a qualified elector.
2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

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

386.250 A candidate for *election to* the office of trustee of a county school district must:

1. Be nominated in the manner provided by the primary election laws of this State; and
2. File a declaration of candidacy, as defined in NRS 293.0455, with the county clerk of the county whose boundaries are coterminous with the boundaries of the county school district.

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

386.260 1. Trustees ~~[shall]~~ *who are required to be elected pursuant to NRS 386.165 must* be elected as provided in the election laws of this state.



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

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

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

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring ~~in~~ *among the elected members of* a board of trustees must be filled by appointment by the remaining *elected* members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. *Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and may be reappointed.*

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS *386.165 or* 386.240 ~~in~~ *, as applicable.*

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

386.275 1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, ~~the board of trustees may appoint~~ a person *may be appointed* to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in NRS 386.270, except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

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

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

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board



of trustees for the duration of the appointment of his or her temporary replacement.

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

- (a) Until the member of the board of trustees being temporarily replaced returns from active military service; or
 - (b) For the remainder of the unexpired term of that member,
- ↳ whichever occurs first.

Sec. 7. NRS 386.300 is hereby amended to read as follows:
386.300 Each trustee shall:

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

~~—2. Hold office until his or her successor is elected and qualified.~~

~~—3.} Take and subscribe to the official oath.~~

~~{4.} 2.~~ File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

Sec. 7.5. NRS 386.310 is hereby amended to read as follows:

386.310 1. The board of trustees shall meet and organize by:

- (a) Electing one of its *elected* members as president.
- (b) Electing one of its *elected* members as clerk, or by selecting some other qualified person as clerk.
- (c) Electing additional officers *from its elected members* as may be deemed necessary.
- (d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.



3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the *elected* members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the *elected* members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

Sec. 9. This act becomes effective on July 1, 2023.

