

ASSEMBLY BILL NO. 175—ASSEMBLYMEN YUREK
AND BILBRAY-AXELROD

FEBRUARY 15, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing boards of trustees of school districts. (BDR 34-692)

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 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:

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

13 **Section 1.5** also provides that the nonvoting members of the board of trustees
14 have: (1) the same rights and responsibilities as the voting members; (2) voting
15 rights for the election of officers; and (3) the authority to serve as an officer of the
16 board of trustees. **Section 1.5** further provides that each trustee holds office until
17 his or her successor is appointed or elected and qualified.

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

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



* A B 1 7 5 R 1 *

24 **Section 5** of this bill makes a conforming change that requires vacancies
 25 among the elected members of a board of trustees of a school district to be filled by
 26 appointment at a public meeting of the board of trustees. **Section 5** additionally
 27 requires that vacancies that occur among the appointed members of a board of
 28 trustees of a school district must be filled by the appointing authority. **Section 6** of
 29 this bill makes a conforming change by allowing for the governing body, and not
 30 exclusively the board of trustees, to appoint a member to a temporary vacancy in
 31 the event a vacancy occurs due to a member entering active military service.
 32 **Section 7** of this bill makes a conforming change by deleting certain provisions
 33 governing the term of office of a member of a board of trustees of a school district
 34 which have been moved to **section 1.5**.

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

1 **Section 1.** NRS 386.120 is hereby amended to read as follows:
 2 386.120 1. The board of trustees of a county school district
 3 consists of ~~five~~ 5, 7 or ~~seven~~ 11 members as follows:
 4 (a) *If more than 75,000 pupils were enrolled during the school*
 5 *year next preceding any general election, the board of trustees*
 6 *consists of 11 members. The members of the board must be elected*
 7 *and appointed as provided in NRS 386.165.*
 8 (b) If 1,000 or more *but not more than 75,000* pupils were
 9 enrolled during the school year next preceding any general election,
 10 the board of trustees consists of seven members. Except in school
 11 districts in which more than 25,000 pupils are enrolled, the members
 12 of the board must be elected at large until such time as an alternate
 13 manner of election is adopted pursuant to NRS 386.200 or NRS
 14 386.205, 386.215 and 386.225.
 15 ~~(b)~~ (c) If fewer than 1,000 pupils were enrolled during the
 16 school year next preceding any general election, the board of
 17 trustees consists of five members. The members of the board must
 18 be elected as provided in NRS 386.160 until such time as an
 19 alternate manner of election is adopted pursuant to NRS 386.200 or
 20 NRS 386.205, 386.215 and 386.225.
 21 ~~(c)~~ (d) If 1,000 or more, but fewer than 1,500 pupils were
 22 enrolled during the school year next preceding any general election,
 23 the board of trustees consists of seven members unless the board, on
 24 or before December 1 in any year before a general election will be
 25 held, adopts a resolution specifying that the board will consist of
 26 five members. If the board consists of seven members, the election
 27 of members is governed by paragraph ~~(a)~~ (b). If the board consists
 28 of five members, the election of members is governed by paragraph
 29 ~~(b)~~ (c).
 30 2. Before the adoption of a resolution pursuant to paragraph
 31 ~~(a)~~ (d) of subsection 1, the board of trustees shall post



1 conspicuously, in three different places in the school district, a
2 notice containing in full the text of the resolution with the date upon
3 which the board of trustees of the school district is to meet to act
4 upon the resolution. Posting of the notice must be made not less
5 than 10 days before the date fixed in the resolution for action
6 thereon.

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

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

12 386.165 1. In each county school district in which more than
13 75,000 pupils are enrolled, the board of trustees shall establish seven
14 election districts for school trustees. The districts must be:

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

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

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

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

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

32 ~~[(2)]~~ 3. In each county school district in which more than
33 25,000 pupils but not more than 75,000 pupils are enrolled, the
34 board of trustees shall establish seven election districts for school
35 trustees, as follows:

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

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

42 ↪ The districts must be composed of contiguous territory.

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



1 4. In each school district in which more than 25,000 pupils *but*
2 *not more than 75,000 pupils* are enrolled, the *board of trustees is*
3 *composed of seven members who must be elected in an election*
4 *district established pursuant to subsection 3 by the board of*
5 *trustees.*

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

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

15 7. *Each trustee shall hold office until his or her successor is*
16 *appointed or elected and qualified.*

17 8. *The nonvoting members of the board of trustees appointed*
18 *pursuant to subsection 2 shall have:*

19 (a) *The same rights and responsibilities as voting members of*
20 *the board of trustees, including, without limitation, being involved*
21 *in any briefings, interviews, evaluations, closed-door sessions and*
22 *policy and operational discussions;*

23 (b) *Voting rights for the election of officers; and*

24 (c) *The authority to serve as an officer of the board of trustees.*

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

26 386.240 A candidate for *election to* the office of trustee of a
27 school district shall:

28 1. Be a qualified elector.

29 2. Have the qualifications of residence within the county
30 school district required for the office for which he or she seeks
31 election.

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

33 386.250 A candidate for *election to* the office of trustee of a
34 county school district must:

35 1. Be nominated in the manner provided by the primary
36 election laws of this State; and

37 2. File a declaration of candidacy, as defined in NRS 293.0455,
38 with the county clerk of the county whose boundaries are
39 conterminous with the boundaries of the county school district.

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

41 386.260 1. Trustees ~~[shall]~~ *who are required to be elected*
42 *pursuant to NRS 386.165 must* be elected as provided in the
43 election laws of this state.

44 2. After the close of any election, and in accordance with law,
45 the board of county commissioners shall make abstracts of the votes



1 cast for trustees and shall order the county clerk to issue election
2 certificates to the candidates elected.

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

5 **Sec. 5.** NRS 386.270 is hereby amended to read as follows:
6 386.270 Except as otherwise provided in NRS 386.275:

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

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

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

22 **Sec. 6.** NRS 386.275 is hereby amended to read as follows:
23 386.275

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

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

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

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

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



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

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

5 **Sec. 7.** NRS 386.300 is hereby amended to read as follows:
6 386.300 Each trustee shall:

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

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

11 ~~3.]~~ Take and subscribe to the official oath.

12 ~~[4.]~~ 2. File with the Superintendent of Public Instruction a
13 copy of his or her official oath together with a statement showing
14 the term for which the trustee has been elected or appointed.

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

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

