

Amendment No. 497

Assembly Amendment to Assembly Bill No. 175	(BDR 34-692)
Proposed by: Assembly Committee on Education	
Amendment Box: Replaces Amendment No. 148.	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ERS/HAC



Date: 4/19/2023

A.B. No. 175—Revises provisions governing boards of trustees of school districts.
(BDR 34-692)



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 district in
 2 which more than 75,000 pupils are enrolled (currently Clark County School District) are
 3 elected from seven election districts, established by the board of trustees, that are as nearly
 4 equal in population as possible and are composed of contiguous territory. (NRS 386.165)
 5 **Section** ~~1.5~~ **1.5** of this bill ~~amends the electoral process for electing members of the board of~~
 6 ~~trustees of a county school district in which more than 75,000 pupils are enrolled by requiring~~
 7 ~~that the board of trustees consist of: (1)~~ **adds** four **nonvoting** members ~~selected in election~~
 8 ~~districts established by~~ **to** the board of ~~county commissioners~~ **trustees** of ~~the~~ **such a**
 9 county ~~in which the~~ school district ~~is located;~~ **is located;** **of whom: (1) one nonvoting** member
 10 **must be** appointed by the board of county commissioners of the county in which the school
 11 district is located who **must** also ~~resides~~ **reside** in the school district; and ~~(3) two~~ **(2) three**
 12 **nonvoting** members **must be** appointed by the governing bodies of the ~~two~~ **three** most
 13 populous incorporated cities in the county in which the school district is located, with each
 14 governing body appointing one member who ~~resides~~ **must reside** in the city of the
 15 governing body that appoints him or her.
 16 ~~Existing law similarly requires that the members of the board of trustees of a county~~
 17 ~~school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled~~
 18 ~~(currently Washoe County School District) establish seven election districts as follows: (1)~~
 19 ~~five districts which are as nearly equal in population as is practicable, each of which includes~~
 20 ~~approximately one-fifth of the population of the county; and (2) two districts which are as~~
 21 ~~nearly equal in population as possible, each of which includes approximately one-half of the~~
 22 ~~population of the county. (NRS 386.165) Section 1 revises the provisions governing the~~
 23 ~~election of members of the board of trustees of a county school district in which more than~~
 24 ~~25,000 pupils but not more than 75,000 pupils are enrolled by requiring: (1) four members to~~
 25 ~~be elected in an election district established by the board of county commissioners of the~~
 26 ~~county in which the school district is located; (2) one member to be appointed by the board of~~
 27 ~~county commissioners of the county in which the school district is located; and (3) two~~
 28 ~~members to be appointed by the governing bodies of the two most populous incorporated~~
 29 ~~cities in the county in which the school district is located, with each governing body~~
 30 ~~appointing one member.]~~

31 ~~Section 1~~ ~~additionally requires election districts established by the board of county~~
 32 ~~commissioners of the county in which a school district is located to be as nearly equal in~~
 33 ~~population as possible and composed of contiguous territory.~~ 1.5 also provides that the
 34 nonvoting members of the board of trustees have: (1) the same rights and responsibilities
 35 as the voting members; (2) voting rights for the election of officers; and (3) the authority
 36 to serve as an officer of the board of trustees. ~~Section 1~~ 1.5 further provides that each
 37 trustee holds office until his or her successor is appointed or elected and qualified.

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

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

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

52 Section 7 of this bill makes a conforming change by deleting certain provisions
 53 governing the term of office of a member of a board of trustees of a school district which have
 54 been moved to section ~~1~~ 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 consists of ~~five~~
 3 5, 7 or seven 11 members as follows:

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

7 (b) If 1,000 or more but not more than 75,000 pupils were enrolled during the
 8 school year next preceding any general election, the board of trustees consists of
 9 seven members. Except in school districts in which more than 25,000 pupils are
 10 enrolled, the members of the board must be elected at large until such time as an
 11 alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205,
 12 386.215 and 386.225.

13 ~~(c)~~ (c) If fewer than 1,000 pupils were enrolled during the school year next
 14 preceding any general election, the board of trustees consists of five members. The
 15 members of the board must be elected as provided in NRS 386.160 until such time
 16 as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS
 17 386.205, 386.215 and 386.225.

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

1 2. Before the adoption of a resolution pursuant to paragraph ~~[(c)]~~ (d) of
 2 subsection 1, the board of trustees shall post conspicuously, in three different places
 3 in the school district, a notice containing in full the text of the resolution with the
 4 date upon which the board of trustees of the school district is to meet to act upon
 5 the resolution. Posting of the notice must be made not less than 10 days before the
 6 date fixed in the resolution for action thereon.

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

11 ~~[Section 1.]~~ 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 75,000 pupils
 13 are enrolled, the board of trustees shall establish seven election districts for school
 14 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 which more than
 18 75,000 pupils are enrolled is composed of ~~seven~~ 11 members, of whom:

19 (a) ~~Four~~ Seven voting members must be elected in election districts
 20 established pursuant to subsection 1 by the board of ~~county commissioners of the~~
 21 county in which the school district is located, trustees.

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

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

31 ~~2.]~~ 3. In each county school district in which more than 25,000 pupils but
 32 not more than 75,000 pupils are enrolled, the board of trustees shall establish seven
 33 election districts for school trustees, as follows:

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

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

38 ↳ The districts must be composed of contiguous territory.

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

42 4. In each school district in which more than 25,000 pupils but not more than
 43 75,000 pupils are enrolled, the board of trustees is composed of seven ~~members,~~
 44 of whom:

45 (a) ~~Four~~ members who must be elected in an election district established
 46 pursuant to subsection 3 by the board of ~~county commissioners of the county in~~
 47 which the school district is located.

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

52 (c) Two members must be appointed by the governing bodies of the two most
 53 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.~~

~~3. Election districts established by a board of county commissioners pursuant to subsection 1 or 2 must be:~~

~~(a) As nearly equal in population as practicable; and~~

~~(b) Composed of contiguous territory.~~

~~4. Trustees.~~

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

~~5. 6. 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.~~ 6. 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 for appointment of the trustee.

~~6. 7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.~~

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

(a) 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) Voting rights for the election of officers; and

(c) 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 conterminous 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 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

1 NRS. The appointee shall serve until the next general election, at which time his or
2 her successor must be elected for the balance of the unexpired term.

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

6 3. Any person appointed to fill a vacancy must have the qualifications
7 provided in NRS ~~386.165 or~~ 386.240 ~~[4]~~, as applicable.

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

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

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

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

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

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

28 (a) Until the member of the board of trustees being temporarily replaced
29 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 trustee shall:

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

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

37 ~~— 3.] Take and subscribe to the official oath.~~

38 ~~[4.]~~ 2. File with the Superintendent of Public Instruction a copy of his or her
39 official oath together with a statement showing the term for which the trustee has
40 been elected or appointed.

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

43 ~~— (a) Of a school district in which more than 25,000 pupils are enrolled; and~~

44 ~~— (b) Who are incumbent on July 1, 2023,~~

45 ~~↪ shall continue to serve until the expiration of the term for which each was~~
46 ~~elected.~~

47 ~~— 2. The successors of the members of the board of trustees of each school~~
48 ~~district in which more than 25,000 pupils are enrolled whose terms expire on~~
49 ~~January 5, 2025, must be elected at large at the general election on November 5,~~
50 ~~2024, in accordance with the provisions of NRS 386.165, as amended by section 1~~
51 ~~of this act, to terms commencing on January 6, 2025. Any vacancy occurring before~~
52 ~~the expiration of the term of such a member must be filled as provided in NRS~~
53 ~~386.270, as amended by section 5 of this act.~~

~~2. Between October 5, 2026, and December 4, 2026, the appointing authorities shall appoint the successors of the members of the board of trustees of each school district in which more than 25,000 pupils are enrolled whose terms expire on January 3, 2027, in accordance with the provisions of NRS 386.165, as amended by section 1 of this act, to terms commencing on January 4, 2027. Any vacancy occurring before the expiration of the term of a such a member must be filled as provided in NRS 386.270, as amended by section 5 of this act.~~ **(Deleted by amendment.)**

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