

SUMMARY—Revises provisions relating to the governance of school districts. (BDR 34-319)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: No.

AN ACT relating to school districts; requiring the board of county commissioners to appoint a nonvoting pupil trustee to the board of trustees of each county school district in this State; revising provisions governing the election and appointment of the board of trustees of each county school district; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that the board of trustees of a county school district consists of 5, 7 or 11 members depending on the number of pupils who are enrolled in the county school district. (NRS 386.120) **Section 1** of this bill requires the board of county commissioners to appoint a nonvoting pupil trustee to the board of trustees of each county school district in this State, who must be nominated from the pupils in the county school district. **Section 1** outlines the qualifications and procedures for nominating the pupil trustee and the rights and responsibilities of the pupil trustee. Finally, **section 1** provides that the pupil trustee has: (1) the same rights as voting members of the board of trustees; (2) the right to receive equivalent training for professional development; and (3) the right to express an opinion before any vote taken by the board of trustees.



Sections 2-9 of this bill revise references to the number of trustees on the board of trustees and the election of members of the board of trustees to account for the appointment of the nonvoting pupil trustee.

Section 10 of this bill provides that a person appointed to fill a vacancy in the position of pupil trustee must have the qualifications set forth in **section 1**.

Section 11 of this bill provides that the training for professional development that the pupil trustee has the right to receive is an exception to the requirements for the training required to be provided to the other trustees.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of each county in this State shall appoint to the board of trustees of the county school district one nonvoting pupil trustee nominated from the pupils in the county school district in accordance with the requirements of subsection 3.

2. The pupil trustee appointed pursuant to subsection 1 must:

(a) Reside in the county;



(b) Be enrolled in grade 11 or 12 as a full-time pupil of a public high school in the county;

and

(c) Be nominated in accordance with the requirements of subsection 3.

3. To be nominated for appointment to the board of trustees:

(a) In a county school district where less than 50,000 pupils are enrolled for the current school year, the pupil trustee must be nominated by a majority vote of the pupils enrolled in the public middle schools, junior high schools and high schools in the county school district in a vote conducted in accordance with the policies and regulations of the board of trustees of the county school district.

(b) In a county school district where 50,000 or more pupils are enrolled for the current school year:

(1) The pupils enrolled in the public middle schools, junior high schools and high schools in each election district within the county school district shall, by majority vote, nominate two pupils to represent the schools at a convention;

(2) The pupils nominated pursuant to subparagraph (1) shall, by majority vote, nominate two candidates from amongst themselves to be presented to the pupils enrolled in the public middle schools, junior high schools and high schools in the county school district; and

(3) The pupils enrolled in the middle schools, junior high schools and high schools in the county school district shall, by majority vote, nominate from amongst those pupils presented pursuant to subparagraph (2) the pupil to serve as pupil trustee on the board of trustees.



4. The term of a pupil trustee appointed to the board of trustees pursuant to subsection 1 is 1 year.

5. The pupil trustee appointed pursuant to subsection 1 shall have:

(a) The same rights as voting members of the board of trustees, including, without limitation, attending all meetings, being involved in any briefings, evaluations, closed-door sessions and policy and operational discussions and receiving all meeting materials provided to the voting trustees;

(b) The right to receive training for professional development that is equivalent to the training provided to the other trustees pursuant to NRS 386.327; and

(c) The right to express an opinion before any vote taken by the board of trustees.

6. The pupil trustee appointed pursuant to subsection 1 represents all pupils within the county school district and shall:

(a) Serve as a liaison between the pupils in the county school district and the voting members of the board of trustees;

(b) Keep pupils within the county school district informed of the business of the board of trustees;

(c) Introduce and speak on matters that impact pupils within the county school district, as appropriate; and

(d) Attend not less than 75 percent of the meetings of the board of trustees.

Sec. 2. NRS 386.120 is hereby amended to read as follows:



386.120 1. The board of trustees of a county school district consists of ~~[5,7]~~ 6, 8 or ~~[11]~~ 12 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]~~ 12 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]~~ eight members. Except in school districts in which more than 25,000 pupils are enrolled, the *voting* 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.

(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]~~ six members. The *voting* 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.

(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]~~ eight 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]~~ six members. If the board consists of ~~[seven]~~ eight members, the election of *voting* members is governed by paragraph (b). If the board consists of ~~[five]~~ six members, the election of *voting* members is governed by paragraph (c).



2. Before the adoption of a resolution pursuant to paragraph (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 (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. 3. NRS 386.160 is hereby amended to read as follows:

386.160 1. At the general election in 1980 and every 4 years thereafter, in a county school district where fewer than 1,000 pupils were enrolled during the preceding school year, three trustees shall be elected at large within the district, as follows:

(a) One person who resides at the county seat; but if less than 40 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

(b) One person who resides in the county but not at the county seat.

(c) One person who resides in the county but not at the county seat; but if 80 percent or more of the residents of the county reside at the county seat then a person who resides at the county seat may be elected to the office.

2. At the general election in 1982 and every 4 years thereafter, in a county school district where fewer than 1,000 pupils were enrolled during the preceding school year, two trustees shall be elected at large within the district, as follows:



(a) One person who resides at the county seat; but if less than 20 percent of the residents of the county reside at the county seat then such person need not reside at the county seat.

(b) One person who resides in the county but who resides neither at the county seat nor in any incorporated city within the county.

3. *One nonvoting pupil trustee must be appointed by the board of county commissioners pursuant to section 1 of this act. The* term of each person elected to the office of school trustee is 4 years.

Sec. 4. 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~~ 12 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.

(d) One nonvoting pupil trustee must be appointed by the board of county commissioners pursuant to section 1 of this act.

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.

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.

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~~ *eight* members ~~who~~, *of whom:*

(a) Seven members must be elected in an election district established pursuant to subsection 3 by the board of trustees ~~and~~; *and*

(b) One nonvoting member must be appointed by the board of county commissioners pursuant to section 1 of this act.



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~~ *Except as otherwise provided in section 1 of this act, the* term of office of a school trustee is 4 years, 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; and

(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. 5. NRS 386.180 is hereby amended to read as follows:

386.180 1. If the certificate of the Superintendent of Public Instruction filed with the county clerk states that the pupil enrollment during the preceding school year in a county school district other than Clark or Washoe was less than 1,000, or was 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with NRS 386.120 specifying that the board will consist of ~~five~~ *six* members, and the board of trustees of the district is composed of ~~seven~~ *eight* members, *seven of whom were* elected at large based upon a previous



pupil enrollment of 1,000 or more, then two of the *elected* offices of trustee may not be filled at the next succeeding general election.

2. Thereafter, while continued pupil enrollment in the county school district is less than 1,000, or is 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with NRS 386.120 specifying that the board will consist of ~~five~~ *six* members, the offices of school trustees must be filled as provided by law for school districts having pupil enrollments of less than 1,000.

Sec. 6. NRS 386.190 is hereby amended to read as follows:

386.190 1. If the certificate of the Superintendent of Public Instruction filed with the county clerk states that the pupil enrollment during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the district is composed of ~~five~~ *six* members elected *and appointed* as provided in NRS 386.160, then at the next succeeding general election one additional trustee who resides at the county seat must be elected for a term of 4 years, and one additional trustee who resides in the county but not at the county seat must be elected for a term of 2 years.

2. Thereafter, while continued pupil enrollment in the county school district is 1,000 or more, the offices of school trustees must be filled as provided by law for school districts having pupil enrollments of that size.

3. The provisions of subsections 1 and 2 do not apply in a school district in which the pupil enrollment during the preceding school year was 1,000 or more but less than 1,500, and in which



the board of trustees of the school district has adopted a resolution specifying that the board will consist of ~~five~~ six members.

Sec. 7. NRS 386.200 is hereby amended to read as follows:

386.200 1. In addition to the manner of election provided in NRS 386.205, 386.215 and 386.225, the trustees of a county school district may be elected from school trustee election areas in the alternate manner provided in this section.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the registered voters of a county school district in which 25,000 or fewer pupils are enrolled may file a written petition with the board of county commissioners of the county praying for the creation of school trustee election areas within the county school district in the manner provided in this section. The petition must specify with particularity the school trustee election areas proposed to be created, the number of trustees to be elected from each area, and the manner of their nomination and election. The number of school trustee election areas proposed must not exceed the number of *elected* trustees authorized by law for the particular county school district. The description of the proposed school trustee election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular school trustee election area. The signatures to the petition need not all be appended to one paper, but each signer must add to his or her name his or her place of residence, giving the street and number whenever practicable. One of the signers of each paper shall swear or affirm, before a person competent to administer oaths, that each



signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of the notice is a proper charge against the county school district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of school trustee election areas within the county school district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the county school district into the number of school trustee election areas specified in the petition, designate them by number and define their boundaries. The territory comprising each school trustee election area must be contiguous. The resolution must further set forth the number of trustees to be elected from each school trustee election area and the manner of their nomination and election.

5. Before June 1 and immediately following the adoption of the resolution creating school trustee election areas within a county school district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the Superintendent of Public Instruction.

6. Upon the creation of school trustee election areas within a county school district the terms of office of all *elected* trustees then in office expire on the 1st Monday of January thereafter next



following a general election. At the general election held following the creation of school trustee election areas within a county school district, school trustees to represent the odd-numbered school trustee election areas must be elected for terms of 4 years and school trustees to represent the even-numbered school trustee election areas must be elected for terms of 2 years. Thereafter, at each general election, the offices of *elected* school trustees must be filled for terms of 4 years in the order in which the terms of office expire.

7. A candidate for the office of trustee of a county school district in which school trustee election areas have been created must be a qualified elector and a resident of the school trustee election area which he or she seeks to represent.

8. The board of county commissioners may by resolution change the boundaries of school trustee election areas or the manner of nomination or election of school trustees after:

- (a) Holding a public hearing of which notice must be given as provided in subsection 3; and
- (b) Receiving, at the hearing or by resolution, the consent of the board of trustees of the school district.

9. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was less than 1,000, or was 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with NRS 386.120 specifying that the board will consist of ~~five~~ *six* members, and the board of trustees of the county school district is composed of *eight members*, seven *of whom were* elected ~~members~~ based upon a previous enrollment of 1,000 or more, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be



elected from the areas, or the manner of their nomination and election, as may be necessary to provide for reduction of the membership of the board of trustees of the county school board from ~~seven~~ *eight* to ~~five~~ *six* members, and only five school trustees may thereafter be nominated and elected at the forthcoming elections.

10. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the county school district is composed of *six members*, five *of whom were* elected, ~~members,~~ the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for increasing the membership of the board of trustees of the county school district from ~~five~~ *six* to ~~seven~~ *eight* members, and two additional school trustees must thereafter be nominated and elected at the forthcoming elections.

11. The provisions of subsection 10 do not apply in a school district in which the pupil enrollment during the preceding school year was 1,000 or more but less than 1,500, and in which the board of trustees of the school district has adopted a resolution specifying that the board will consist of ~~five~~ *six* members.

Sec. 8. NRS 386.205 is hereby amended to read as follows:

386.205 1. In any county school district in which not more than 25,000 pupils are enrolled, the board of trustees may adopt a resolution dividing the geographical area of the school district into a number of election districts identical to the number of *elected* trustees.

2. The election districts must:



(a) Be single-member districts.

(b) Be formed with reference to assembly districts as far as is practicable.

(c) Have nearly equal populations as far as is practicable.

3. This section does not authorize any change in the number of members of the board of trustees.

4. If a board of trustees adopts a resolution pursuant to this section, the *elected* members of the board continue to hold office until the next following general election.

5. As used in this section, unless the context otherwise requires, “assembly district” means any district created pursuant to the provisions of chapter 218B of NRS for the election of members of the Assembly.

Sec. 9. NRS 386.225 is hereby amended to read as follows:

386.225 1. Election districts created pursuant to NRS 386.205 may be constructed so that the:

(a) Voters in each election district elect a trustee to represent them; or

(b) Trustees are elected by all of the voters in the county school district.

↪ In either case, each trustee must be a resident of the election district which he or she represents throughout his or her term of office.

2. The board of trustees shall adopt a resolution, after a public hearing on the matter, determining whether each *elected* trustee will be elected solely by the voters in the election district of the trustee or all of the voters in the county school district.

Sec. 10. NRS 386.270 is hereby amended to read as follows:



386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring 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 , ~~for~~ 386.240, *or section 1 of this act*, as applicable.

Sec. 11. NRS 386.327 is hereby amended to read as follows:

386.327 1. ~~Each~~ *Except as otherwise provided in section 1 of this act, each* person who is elected or appointed to serve as a member of the board of trustees of a school district shall complete training for professional development during the first and third year of the term of the member which must include not less than 6 hours of instruction covering:

(a) Laws relating to public records, including, without limitation, the provisions of chapter 239 of NRS;

(b) The Open Meeting Law, including, without limitation, the provisions of chapter 241 of NRS;



(c) Local government employee-management relations, including, without limitation, the provisions of chapter 288 of NRS;

(d) The system of K-12 public education in this State, including, without limitation, the provisions of title 34 of NRS;

(e) Local government ethics, including, without limitation, the provisions of chapter 281A of NRS;

(f) The manner in which to identify and prevent violence in public schools, including, without limitation, sexual violence;

(g) Financial management, including, without limitation, information concerning oversight, accountability and audits;

(h) The fiduciary duties of a member of the board of trustees of a school district, including, without limitation, the provisions of this chapter; and

(i) Laws relating to employment and contracts.

2. A member of the board of trustees of a school district shall provide written certification of completion of the training required by this section to the clerk of the board of trustees.

3. If a member fails to complete the training or to provide the written certification of completion which is required by this section, the clerk must post notice of such noncompliance in a conspicuous manner on the Internet website of the board of trustees. The clerk must also provide written notice of the noncompliance to the other members of the board of trustees.

4. The clerk of the board of trustees shall assist each member of the board as necessary to complete the training required pursuant to this section.

