

ASSEMBLY BILL NO. 491—COMMITTEE ON EDUCATION

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to the board of trustees of certain school districts. (BDR 34-793)

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 selection and membership 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 board of trustees of a school district in which more than
2 25,000 pupils are enrolled (currently Clark and Washoe County School Districts) is
3 comprised of seven members who are elected from election districts established by
4 the board to terms of 4 years. (NRS 386.165) **Section 1** of this bill adds two
5 additional members to the board of trustees of such a school district. **Section 2** of
6 this bill requires the Governor to appoint the two additional members from a list
7 submitted by the Legislative Commission of three nominees who must possess have
8 knowledge, skill and experience in finance. Except for the initial terms which are
9 staggered pursuant to **section 9** of this bill, the terms of such appointed trustees are
10 4 years, commencing on the first Monday in January next following their
11 appointment and until their successors are appointed and qualified. (NRS 386.300)
12 **Sections 1 and 3-8** of this bill make conforming changes.

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 or seven members as follows:~~
4 ~~—(a) If] If more than 25,000 pupils were enrolled in a county~~
5 ~~school district during the school year next preceding any general~~
6 ~~election, the board of trustees of the school district consists of~~



1 *seven elected members and two appointed members. The members*
2 *of the board must be elected or appointed, as applicable, pursuant*
3 *to NRS 386.165.*

4 2. *Except as otherwise provided in subsection 4, if 1,000 or*
5 *more pupils but not more than 25,000 pupils* were enrolled during
6 the school year next preceding any general election, the board of
7 trustees *of the county school district* consists of seven members.
8 ~~Except in school districts in which more than 25,000 pupils are~~
9 ~~enrolled, the~~ The members of the board must be elected at large
10 until such time as an alternate manner of election is adopted
11 pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

12 ~~{(b)}~~ 3. If fewer than 1,000 pupils were enrolled *in a county*
13 *school district* during the school year next preceding any general
14 election, the board of trustees *of the school district* consists of five
15 members. The members of the board must be elected as provided in
16 NRS 386.160 until such time as an alternate manner of election is
17 adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and
18 386.225.

19 ~~{(e)}~~ 4. If 1,000 or more, but fewer than 1,500 pupils were
20 enrolled *in a county school district* during the school year next
21 preceding any general election, the board of trustees *of the school*
22 *district* consists of seven members unless the board, on or before
23 December 1 in any year before a general election will be held,
24 adopts a resolution specifying that the board will consist of five
25 members. If the board consists of seven members, the election of
26 members is governed by ~~{paragraph (a)-}~~ *subsection 2*. If the board
27 consists of five members, the election of members is governed by
28 ~~{paragraph (b)-}~~
29 ~~—2-}~~ *subsection 3*.

30 5. Before the adoption of a resolution pursuant to ~~{paragraph~~
31 ~~(e)-of}~~ subsection ~~{1-}~~ 4, the board of trustees shall post
32 conspicuously, in three different places in the school district, a
33 notice containing in full the text of the resolution with the date upon
34 which the board of trustees of the school district is to meet to act
35 upon the resolution. Posting of the notice must be made not less
36 than 10 days before the date fixed in the resolution for action
37 thereon.

38 ~~{3-}~~ 6. If a board of trustees adopts a resolution pursuant to
39 ~~{paragraph (e)-of}~~ subsection ~~{1-}~~ 4, it must transmit a copy of the
40 resolution to the Superintendent of Public Instruction on or before
41 December 15 of the year before the general election will be held.

42 **Sec. 2.** NRS 386.165 is hereby amended to read as follows:
43 386.165 1. In each county school district in which more than
44 75,000 pupils are enrolled, the board of trustees shall establish seven
45 election districts for school trustees. The districts must be:



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

(b) Composed of contiguous territory.

2. 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. Each *elected* trustee of a *county* 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.—In each school district in which more than 25,000 pupils are enrolled, the term 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.

4. The trustees of a county school district in which more than 25,000 pupils are enrolled who are required to be appointed by subsection 1 of NRS 386.120 must be appointed by the Governor from a list submitted by the Legislative Commission of three nominees who must possess knowledge, skill and experience in finance.

5. After the initial terms, the term of office of a trustee of a county school district in which more than 25,000 pupils are enrolled is 4 years.

Sec. 3. NRS 386.240 is hereby amended to read as follows:

386.240 ~~[A]~~ *Each* candidate for *election to* the office of trustee of a *county* school district *and each person appointed to the office of trustee of a county 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 ~~[A]~~ *or is appointed.*

Sec. 4. NRS 386.250 is hereby amended to read as follows:

386.250 1. Candidates for *election to* the office of trustee *of a county school district* shall be nominated in the manner provided by the primary election laws of this state.

2. The declaration of candidacy and the acceptance of a candidacy by candidates for *election to* the office of trustee of a county school districts shall be filed with the county clerk of the



1 county whose boundaries are conterminous with the county school
2 district boundaries.

3 **Sec. 5.** NRS 386.260 is hereby amended to read as follows:

4 386.260 1. Trustees *of a county school district who are*
5 *required to be elected* shall be elected as provided in the election
6 laws of this state.

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

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

13 **Sec. 6.** NRS 386.270 is hereby amended to read as follows:

14 386.270 Except as otherwise provided in NRS 386.275:

15 1. Any vacancy occurring in a *position on a* board of trustees
16 *of a county school district to which a member is elected* must be
17 filled by appointment by the remaining members of the board at a
18 public meeting held after notice of the meeting is published at least
19 once each week for 2 weeks in a newspaper qualified pursuant to the
20 provisions of chapter 238 of NRS. The appointee shall serve until
21 the next general election, at which time his or her successor must be
22 elected for the balance of the unexpired term.

23 2. *Any vacancy occurring in a position on a board of trustees*
24 *of a county school district to which a member is appointed*
25 *pursuant to subsection 6 of NRS 386.165 must be filled for the*
26 *unexpired term by a person appointed by the Governor.*

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

30 **Sec. 7.** NRS 386.275 is hereby amended to read as follows:

31 386.275 1. If a vacancy occurs, or will occur, in a board of
32 trustees *of a county school board* because a member of the board
33 has entered, or is entering, into active military service ~~[the]~~ :

34 *(a) If the member is an elected member, the* board of trustees
35 may appoint a person to serve as a temporary replacement for that
36 member. ~~[Such a]~~

37 *(b) If the member is an appointed member, the Governor may*
38 *appoint a person to serve as a temporary replacement for that*
39 *member.*

40 2. A temporary appointment *pursuant to subsection 1* must be
41 made in the manner, and subject to the requirements, otherwise
42 prescribed in NRS 386.270, except that ~~[the]~~ *an elected* member of
43 the board of trustees who has entered, or is entering, into active
44 military service may participate in the process to appoint his or her
45 temporary replacement.



~~12.1~~ 3. 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.

~~13.1~~ 4. 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. 8. NRS 386.300 is hereby amended to read as follows:
386.300 Each trustee *of a county school district* shall:

1. Enter upon the duties of office on the 1st Monday in January next following the election *or appointment* of the trustee.

2. Hold office until his or her successor is elected *or appointed, as applicable*, and qualified.

3. Take and subscribe to the official oath.

4. 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. 9. 1. As soon as practicable after July 1, 2019, the Legislative Commission shall submit to the Governor a list of three nominees for appointment to a board of trustees of a county school district in which more than 25,000 pupils are enrolled pursuant to subsection 2. Each such nominee must possess knowledge, skill and experience in finance.

2. As soon as practicable after receiving a list submitted by the Legislative Commission pursuant to subsection 1, the Governor shall appoint from the list two members to the board of trustees of the county school district for which the list was submitted. The initial term of one of the members of the board appointed pursuant to this subsection expires on January 3, 2021, and the initial term of the other such member expires on January 1, 2023.

Sec. 10. This act becomes effective on July 1, 2019.

