

SENATE BILL NO. 111—SENATOR KIECKHEFER

FEBRUARY 9, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.  
(BDR 34-85)

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 of the board of trustees of certain school districts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the board of trustees of a school district in which more than 25,000 pupils are enrolled (currently the Clark and Washoe County School Districts) is composed of seven members who are elected from election districts established by the board to terms of 4 years. (NRS 386.165) **Section 1** of this bill eliminates the election districts and requires that three members of the board be elected at large. In a school district in which more than 75,000 pupils are enrolled (currently Clark County School District), **section 1** requires that the remaining members of the board be appointed by the board of county commissioners of the county in which the school district is located and the governing bodies of the three most populous incorporated cities in the county. In a school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled (currently Washoe County School District), **section 1** requires that the remaining members be appointed by the Governor, the board of county commissioners of the county in which the school district is located and the governing bodies of the two most populous incorporated cities in the county. **Sections 2-4, 6 and 7** of this bill make conforming changes relating to the conversion from election to appointment of such members.

Existing law prescribes the manner of filling a vacancy on a board of trustees created by the departure of a member who was elected. (NRS 386.270) **Section 5** of this bill requires the appointing authority to appoint a new member to fill a vacancy created by the departure of a member who was appointed. **Section 8** of this bill establishes the manner in which the current members will be replaced.



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

**Section 1.** 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.}~~ *consists of seven  
members, of whom:*

*(a) Three members must be elected at large.*

*(b) One 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 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 such governing body  
appointing one member. Each member appointed pursuant to this  
paragraph must reside in the city whose governing body is  
required to make the appointment.*

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 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. In each school district in which more than 25,000 pupils are  
enrolled, the}~~ *consists of seven members, of whom:*

*(a) Three members must be elected at large.*

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

*(c) One 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.*



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

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

4. 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 in January next following the election or appointment of the trustee.

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

**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 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 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* ~~[ ]~~, *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.~~



1 ~~3.1~~ Take and subscribe to the official oath.

2 ~~4.1~~ 2. File with the Superintendent of Public Instruction a copy  
3 of his or her official oath together with a statement showing the term  
4 for which the trustee has been elected or appointed.

5 **Sec. 8.** 1. Notwithstanding the provisions of NRS 386.165,  
6 as amended by section 1 of this act, the members of a board of  
7 trustees:

8 (a) Of a school district in which more than 25,000 pupils are  
9 enrolled; and

10 (b) Who are incumbent on July 1, 2021,  
11 ➤ shall continue to serve until the expiration of the terms for which  
12 they were elected.

13 2. Between October 3, 2022, and December 2, 2022, the  
14 appointing authorities shall appoint the successors of the members  
15 of the board of trustees of each school district in which more than  
16 25,000 pupils are enrolled whose terms expire on January 1, 2023,  
17 in accordance with the provisions of NRS 386.165, as amended by  
18 section 1 of this act, to terms commencing on January 2, 2023. Any  
19 vacancy occurring before the expiration of the term of such a  
20 member must be filled by the appointing authority as provided in  
21 NRS 386.270, as amended by section 5 of this act.

22 3. The successors of the members of the board of trustees of  
23 each school district in which more than 25,000 pupils are enrolled  
24 whose terms expire on January 5, 2025, must be elected at large at  
25 the general election on November 5, 2024, in accordance with the  
26 provisions of NRS 386.165, as amended by section 1 of this act, to  
27 terms commencing on January 6, 2025. Any vacancy occurring  
28 before the expiration of the term of such a member must be filled as  
29 provided in NRS 386.270, as amended by section 5 of this act.

30 **Sec. 9.** This act becomes effective on July 1, 2021.

