

SENATE BILL NO. 65—COMMITTEE ON EDUCATION

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to the boards of trustees of county school districts. (BDR 34-386)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring a candidate for the office of trustee of a school district to obtain and file certain certifications; revising provisions governing certain training for professional development required for the members of boards of trustees of school districts and candidates for the office of trustee of a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district of this State to be governed by an elected board of trustees comprised of either five or seven members who serve 4-year terms. (NRS 386.120-386.165) Existing law requires a member of the board of trustees of a school district to complete certain training for professional development in both the first and third year of their 4-year term. (NRS 386.327) **Section 2** of this bill requires a candidate for the office of trustee of a school district to obtain a written certification that he or she has completed certain training for professional development, which is the same as the training that a member of the board of trustees of a school district is required to complete in the first and third year of his or her term. **Section 3** of this bill requires the Department of Education to approve one or more organizations, known as school board governance organizations, to certify that a candidate for the office of trustee of a school district or a member of the board of trustees of a school district has completed the required training for professional development. **Section 6** of this bill requires a member of the board of trustees of a school district to submit the certification issued by a school board governance organization to the clerk of the board of trustees. **Section 5** of this bill requires a candidate for the office of trustee of a school district to file the certification issued by a school board governance organization with the county clerk of the county in which the school district is located not later than the date on



which the candidate files his or her declaration of candidacy. **Sections 2 and 6** require the training for professional development to be provided by a person who has been approved by the Department to provide such training.

Section 4 of this bill requires a candidate for the office of trustee of a school district to submit a complete set of the candidate's fingerprints and written permission authorizing the Superintendent of Public Instruction to: (1) forward the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for reports on the criminal history of the candidate; and (2) obtain any information concerning the candidate that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and any equivalent registry. **Section 4** requires the Superintendent to issue a written certification that a candidate has passed the investigation into his or her background, depending on the information obtained by the Superintendent during the investigation. **Section 4** authorizes the Superintendent to refuse to issue the certification if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that a candidate has been arrested for or charged with a sexual offense involving a minor or pupil and authorizes the candidate to request a hearing if the Superintendent intends to refuse to issue the certification on such basis. **Section 5** requires a candidate for the office of trustee of a school district to file the certification issued by the Superintendent with the county clerk of the county in which the school district is located not later than the date on which the candidate files his or her declaration of candidacy.

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. Any person who is a candidate for the office of trustee of a school district, before filing a declaration of candidacy for the office, must obtain a written certification from a school board governance organization that the person has completed, within the immediately preceding 12 months, training consisting of 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. The training required by this section must be provided by a person or organization that has been approved by the Department to provide such training.

3. A written certification issued pursuant to this section is valid for 1 year after the date of issuance.

4. As used in this section, "school board governance organization" means an organization which has been approved by the Department to operate as a school board governance organization pursuant to section 3 of this act.

Sec. 3. The Department shall approve one or more organizations with expertise in the governance of school boards to operate as a school board governance organization, the purpose of which is to certify that a person has completed any training required pursuant to NRS 386.327 or section 2 of this act.

Sec. 4. 1. Any person who is a candidate for the office of trustee of a school district, before filing a declaration of candidacy for the office, must submit to the Superintendent of Public Instruction:

(a) A complete set of the person's fingerprints and written permission authorizing the Superintendent of Public Instruction to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report on the criminal history of the person; and

(b) Written authorization for the Superintendent of Public Instruction to obtain any information concerning the person that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the person has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of a person who is a candidate for the office of trustee of a school district, the Superintendent of Public Instruction may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the person, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the person.



3. Except as otherwise provided in subsection 5, the Superintendent of Public Instruction shall issue a written certification to a person who is a candidate for the office of trustee of a school district indicating that the person has passed the investigation into his or her background pursuant to this section if the information obtained by the Superintendent of Public Instruction pursuant to subsections 1 and 2 does not indicate that:

(a) The person has been convicted of a felony or any offense involving moral turpitude or indicates that the person has been convicted of a felony or an offense involving moral turpitude but the Superintendent of Public Instruction determines that the conviction is unrelated to the office of trustee of a school district;

(b) The person has been convicted of any offense involving fraud, theft, embezzlement, fraudulent conversion or misappropriation of property;

(c) There has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the person in any state; and

(d) The person has a warrant for his or her arrest.

4. If, pursuant to paragraph (c) of subsection 3, the information indicates that a substantiated report has been made against the person in any state, the Superintendent of Public Instruction shall:

(a) Notify the applicant of the substantiated report; and

(b) Provide the person an opportunity to rebut the substantiated report.

5. The Superintendent of Public Instruction may refuse to issue a certification pursuant to subsection 3 if:

(a) A report on the criminal history of the person from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the person has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent of Public Instruction provides to the person:

(1) Written notice of his or her intent to refuse to issue the certification; and

(2) An opportunity for the person to have a hearing.

6. To request a hearing pursuant to subsection 5, a person must submit a written request to the Superintendent of Public Instruction within 15 days after receipt of the notice by the person. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed



1 *within that time, the Superintendent of Public Instruction may*
2 *refuse to issue the certification.*

3 *7. The Superintendent of Public Instruction may not be held*
4 *liable for damages resulting from any action of the*
5 *Superintendent of Public Instruction authorized by subsection 2.*

6 *8. A written certification issued pursuant to this section is*
7 *valid for 1 year after the date of issuance.*

8 *9. As used in this section, "sexual offense" has the meaning*
9 *ascribed to it in NRS 179D.097.*

10 **Sec. 5.** NRS 386.250 is hereby amended to read as follows:

11 386.250 A candidate for the office of trustee of a county school
12 district must:

13 1. Be nominated in the manner provided by the primary
14 election laws of this State; ~~and~~

15 2. File a declaration of candidacy, as defined in NRS 293.0455,
16 with the county clerk of the county whose boundaries are
17 coterminous with the boundaries of the county school district ~~;~~ ;
18 *and*

19 *3. Not later than the date on which he or she files a*
20 *declaration of candidacy, file with the clerk of the county whose*
21 *boundaries are coterminous with the boundaries of the county*
22 *school district a written certification issued by:*

23 *(a) A school board governance organization pursuant to*
24 *section 2 of this act; and*

25 *(b) The Superintendent of Public Instruction pursuant to*
26 *section 4 of this act.*

27 **Sec. 6.** NRS 386.327 is hereby amended to read as follows:

28 386.327 1. Each person who is elected or appointed to serve
29 as a member of the board of trustees of a school district shall
30 complete training for professional development during the first and
31 third year of the term of the member which must include not less
32 than 6 hours of instruction covering:

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

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

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

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

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

43 (f) The manner in which to identify and prevent violence in
44 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 ~~[.]~~ *a written certification issued by a school board governance organization demonstrating that the member has completed the training required by this section.*

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.]~~ *subsection 1.*

5. The training required by this section must be provided by a person who has been approved by the Department to provide such training.

6. As used in this section, “school board governance organization” means an organization which has been approved by the Department to operate as a school board governance organization pursuant to section 2 of this act.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

