

ASSEMBLY BILL NO. 255—ASSEMBLYMEN FRIERSON; BILBRAY-AXELROD, BROWN-MAY, GONZÁLEZ, GORELOW, JAUREGUI, C.H. MILLER, MONROE-MORENO, ORENTLICHER AND THOMAS

MARCH 12, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing boards of trustees of school districts. (BDR 34-920)

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  
2 district in which more than 75,000 pupils are enrolled (currently Clark County  
3 School District) are elected from seven election districts established by the board of  
4 trustees that are as nearly equal in population as possible and are composed of  
5 contiguous territory. (NRS 386.165) **Section 1** of this bill amends the electoral  
6 process for electing members of the board of trustees of a county school district in  
7 which more than 75,000 pupils are enrolled by requiring that the board of trustees  
8 consist of: (1) four members elected in election districts established by the board of  
9 county commissioners of the county in which the school district is located; (2) one  
10 member appointed by the board of county commissioners of the county in which  
11 the school district is located who also resides in the school district; and (3) two  
12 members appointed by the governing bodies of the two most populous incorporated  
13 cities in the county in which the school district is located, with each governing body  
14 appointing one member who resides in the city of the governing body that appoints  
15 him or her.

16 Existing law similarly requires that the members of the board of trustees of a  
17 county school district in which more than 25,000 pupils but not more than 75,000  
18 pupils are enrolled (currently Washoe County School District) establish seven  
19 election districts. Under existing law: (1) five of these districts are as nearly equal  
20 in population as is practicable, each of which includes approximately one-fifth of  
21 the population of the county; and (2) two districts which are as nearly equal in  
22 population as possible, each of which includes approximately one-half of the



23 population of the county. (NRS 386.165) **Section 1** revises the provisions  
24 governing the election of members of the board of trustees of a school district in  
25 which more than 25,000 pupils but not more than 75,000 pupils are enrolled by: (1)  
26 requiring four members to be elected in an election district established by the board  
27 of county commissioners of the county in which the school district is located; (2)  
28 requiring one member to be appointed by the board of county commissioners of the  
29 county in which the school district is located; and (3) requiring two members to be  
30 appointed by the governing bodies of the two most populous incorporated cities in  
31 the county in which the school district is located, with each governing body  
32 appointing one member.

33 **Section 1** additionally requires election districts established by the board of  
34 county commissioners of the county in which a school district is located to be as  
35 nearly equal in population as possible and composed of contiguous territory.

36 **Sections 2, 3 and 4** of this bill make conforming changes that clarify that  
37 certain requirements for a candidate for the board of trustees of a school district  
38 only apply to candidates who are elected and not appointed. **Section 5** of this bill  
39 makes a conforming change that requires vacancies among the elected members of  
40 a board of trustees to be filled by appointment at a public meeting of the board of  
41 trustees. **Section 5** additionally requires that vacancies that occur among the  
42 appointed members of a board of trustees must be filled by the appointing  
43 authority. **Section 6** of this bill makes a conforming change by allowing for the  
44 governing body, and not exclusively the board of trustees, to appoint a member to a  
45 temporary vacancy in the event of a vacancy occurring due to active military  
46 service. **Section 7** of this bill makes a conforming change by repealing certain  
47 requirements imposed on a member of a board of trustees of a school district  
48 relating to his or her term of office.

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

1 **Section 1.** NRS 386.165 is hereby amended to read as follows:  
2 386.165 1. In each county school district in which more than  
3 75,000 pupils are enrolled, the board of trustees ~~[shall establish~~  
4 ~~seven election districts for school trustees. The districts must be:~~  
5 ~~—(a) As nearly equal in population as practicable; and~~  
6 ~~—(b) Composed of contiguous territory.]~~ *is composed of seven*  
7 *members, of whom:*

8 *(a) Four members must be elected in election districts*  
9 *established by the board of county commissioners of the county in*  
10 *which the school district is located.*

11 *(b) One member must be appointed by the board of county*  
12 *commissioners of the county in which the school district is located.*  
13 *The member appointed pursuant to this paragraph must reside in*  
14 *the county in which the school district is located.*

15 *(c) Two members must be appointed by the governing bodies of*  
16 *the two most populous incorporated cities in the county in which*  
17 *the school district is located, with each governing body appointing*  
18 *one member. Each member appointed pursuant to this paragraph*



1 *must reside in the city in which the governing body is required to*  
2 *make the appointment.*

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

7 ~~—(a) Five districts which are as nearly equal in population as~~  
8 ~~practicable, each of which includes approximately one fifth of the~~  
9 ~~population of the county; and~~

10 ~~—(b) Two districts which are as nearly equal in population as~~  
11 ~~practicable, each of which includes approximately one half of the~~  
12 ~~population of the county.~~

13 ~~→ The districts must be composed of contiguous territory.~~

14 ~~—3. Each trustee of a school district to which this section applies~~  
15 ~~must reside in the election district which the trustee represents and~~  
16 ~~be elected by the voters of that election district.~~

17 ~~—4. In each school district in which more than 25,000 pupils are~~  
18 ~~enrolled, the] is composed of seven members, of whom:~~

19 (a) *Four members must be elected in an election district*  
20 *established by the board of county commissioners of the county in*  
21 *which the school district is located.*

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

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

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

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

35 (b) *Composed of contiguous territory.*

36 4. *The appointing authority shall make an appointment*  
37 *pursuant to this section not less than 30 days but not more than 90*  
38 *days before the expiration of the term of office of the incumbent*  
39 *member.*

40 5. *The term of office of a school trustee is 4 years* ~~[Three~~  
41 ~~trustees must be elected at the general election of 1982 and four~~  
42 ~~trustees must be elected at the general election of 1984.]~~ *,*  
43 *commencing on the first Monday of January thereafter next*  
44 *following the election or appointment of the trustee.*



1 **6. Each trustee shall hold office until his or her successor is**  
2 **appointed or elected and qualified.**

3 **Sec. 2.** NRS 386.240 is hereby amended to read as follows:

4 386.240 A candidate for **election to** the office of trustee of a  
5 school district shall:

6 1. Be a qualified elector.

7 2. Have the qualifications of residence within the county  
8 school district required for the office for which he or she seeks  
9 election.

10 **Sec. 3.** NRS 386.250 is hereby amended to read as follows:

11 386.250 A candidate for **election to** the office of trustee of a  
12 county school 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 **Sec. 4.** NRS 386.260 is hereby amended to read as follows:

19 386.260 1. Trustees ~~[shall]~~ **who are required to be elected**  
20 **pursuant to NRS 386.165 must** be elected as provided in the  
21 election laws of this state.

22 2. After the close of any election, and in accordance with law,  
23 the board of county commissioners shall make abstracts of the votes  
24 cast for trustees and shall order the county clerk to issue election  
25 certificates to the candidates elected.

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

28 **Sec. 5.** NRS 386.270 is hereby amended to read as follows:

29 386.270 Except as otherwise provided in NRS 386.275:

30 1. Any vacancy occurring ~~[in]~~ **among the elected members of**  
31 **a board of trustees must be filled by appointment by the remaining**  
32 **members of the board at a public meeting held after notice of the**  
33 **meeting is published at least once each week for 2 weeks in a**  
34 **newspaper qualified pursuant to the provisions of chapter 238 of**  
35 **NRS. The appointee shall serve until the next general election, at**  
36 **which time his or her successor must be elected for the balance of**  
37 **the unexpired term.**

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

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



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

2       386.275 1. If a vacancy occurs, or will occur, in a board of  
3 trustees because a member of the board has entered, or is entering,  
4 into active military service, ~~[the board of trustees may appoint]~~ a  
5 person *may be appointed* to serve as a temporary replacement for  
6 that member. Such a temporary appointment must be made in the  
7 manner, and subject to the requirements, otherwise prescribed in  
8 NRS 386.270, except that the member of the board of trustees who  
9 has entered, or is entering, into active military service may  
10 participate in the process to appoint his or her temporary  
11 replacement.

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

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

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

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

24       (a) Until the member of the board of trustees being temporarily  
25 replaced returns from active military service; or

26       (b) For the remainder of the unexpired term of that member,  
27 ↪ whichever occurs first.

28       **Sec. 7.** NRS 386.300 is hereby amended to read as follows:

29       386.300 Each trustee shall:

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

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

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

35       ~~[4.]~~ 2. File with the Superintendent of Public Instruction a  
36 copy of his or her official oath together with a statement showing  
37 the term for which the trustee has been elected or appointed.

38       **Sec. 8.** 1. Notwithstanding the provisions of NRS 386.165,  
39 as amended by section 1 of this act, the members of a board of  
40 trustees:

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

43       (b) Who are incumbent on July 1, 2021,  
44 ↪ shall continue to serve until the expiration of the term for which  
45 each was elected.



1 2. Between October 3, 2022, and December 2, 2022, the  
2 appointing authorities shall appoint the successors of the member of  
3 the board of trustees of each school district in which more than  
4 25,000 pupils are enrolled whose terms expire on January 1, 2023,  
5 in accordance with the provisions of NRS 386.165, as amended by  
6 section 1 of this act, to terms commencing on January 2, 2023. Any  
7 vacancy occurring before the expiration of the term of such a  
8 member must be filled by the appointing authority as provided in  
9 NRS 386.270, as amended by section 5 of this act.

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

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

