

ASSEMBLY BILL NO. 423—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 27, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing boards of trustees of school districts. (BDR 34-847)

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 the boards of trustees of school districts; prohibiting a board of trustees of a school district from adopting certain policies; restricting, with certain exceptions, the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law provides each board of trustees of a school district, with certain
- 2 exceptions, with such reasonable and necessary powers as required to promote the
- 3 welfare of school children. (NRS 386.350) **Section 1** of this bill prohibits a board
- 4 of trustees from adopting a policy that limits the access of a pupil to school
- 5 facilities or activities because of race, religious creed, color, national origin,
- 6 disability, sexual orientation, gender identity or expression, ancestry, familial status
- 7 or sex. **Section 1** further authorizes the Department of Education to impose an
- 8 administrative penalty against a board of trustees that adopts such a policy.
- 9 The Open Meeting Law requires that a public body such as the board of
- 10 trustees of a school district give notice of its meetings by: (1) posting an agenda
- 11 consisting of a list describing the items on which action may be taken by the public
- 12 body; and (2) clearly denoting that action may be taken on those items by placing
- 13 the term “for possible action” next to the appropriate item or, under certain
- 14 circumstances, by placing the term “for possible corrective action” next to the
- 15 appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain
- 16 requirements and procedures for meetings of the board of trustees of a school
- 17 district, including, without limitation: (1) a requirement that the board of trustees
- 18 hold a regular meeting at least once each month; and (2) the authority for the
- 19 president of the board of trustees to call special meetings under certain



20 circumstances. (NRS 386.330) **Section 1.5** of this bill prohibits, except in an
21 emergency that impacts the school district, the board of trustees of a school district
22 from taking any action or corrective action at a regular meeting or special meeting
23 on an item that has been posted on its agenda pursuant to the Open Meeting Law
24 after 11:59 p.m. on the day of the meeting. **Section 1.5** further provides that if the
25 board of trustees has not taken action or corrective action, as applicable, on any
26 item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of
27 trustees must not take any further action or corrective action on any item that is on
28 the meeting agenda unless the board of trustees: (1) schedules the delayed agenda
29 item at a future meeting; or (2) waits at least 24 hours after the originally scheduled
30 time of the meeting but not later than 3 business days after the originally scheduled
31 date of the meeting to take action or corrective action.

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

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

3 *1. A board of trustees shall not adopt a policy that limits the*
4 *access of a pupil because of race, religious creed, color, national*
5 *origin, disability, sexual orientation, gender identity or expression,*
6 *ancestry, familial status or sex, to school facilities or activities.*

7 *2. If the Department finds that a board of trustees adopts a*
8 *policy that violates the provisions of subsection 1, the Department*
9 *may impose an administrative penalty of not more than \$5,000 for*
10 *each day that the policy is in effect.*

11 **Sec. 1.5.** NRS 386.330 is hereby amended to read as follows:

12 386.330 1. The board of trustees shall hold a regular meeting
13 at least once each month, at such time and place as the board shall
14 determine.

15 2. Special meetings of the board of trustees shall be held at the
16 call of the president whenever there is sufficient business to come
17 before the board, or upon the written request of three members of
18 the board.

19 3. The clerk of the board of trustees shall give written notice of
20 each special meeting to each member of the board of trustees by
21 personal delivery of the notice of the special meeting to each trustee
22 at least 1 day before the meeting, or by mailing the notice to each
23 trustee's residence of record, by deposit in the United States mails,
24 postage prepaid, at least 4 days before the meeting. The notice shall
25 specify the time, place and purpose of the meeting. If all of the
26 members of the board of trustees are present at a special meeting,
27 the lack of notice shall not invalidate the proceedings of the board of
28 trustees.

29 4. A majority of the members of the board of trustees shall
30 constitute a quorum for the transaction of business, and no action of



1 the board of trustees shall be valid unless such action shall receive,
2 at a regularly called meeting, the approval of a majority of all the
3 members of the board of trustees.

4 5. In any county whose population is 55,000 or more, the board
5 of trustees may cause each meeting of the board to be broadcast on a
6 television station created to provide community access to cable
7 television by using the facilities of the school district, county or any
8 city located in the county. The board of trustees and the county or
9 city shall cooperate fully with each other to determine:

10 (a) The feasibility of televising the meetings of the board of
11 trustees;

12 (b) The costs to televise the meetings of the board of trustees for
13 each proposed method of televising; and

14 (c) The number of potential viewers of the meetings of the board
15 of trustees for each proposed method of televising.

16 *6. Except in an emergency that impacts the school district,*
17 *the board of trustees shall not take any action or corrective action*
18 *at a regular meeting or special meeting on an item that has been*
19 *posted on its agenda pursuant to chapter 241 of NRS after 11:59*
20 *p.m. on the day of the meeting. If the board of trustees has not*
21 *taken action or corrective action, as applicable, on any item that is*
22 *on its agenda before 11:59 p.m. on the day of the meeting, the*
23 *board of trustees must not take any further action or corrective*
24 *action on any item that is on the meeting agenda unless the board*
25 *of trustees:*

26 (a) *Schedules the delayed agenda item at a future meeting by*
27 *placing the item on its agenda for the future meeting pursuant to*
28 *chapter 241 of NRS; or*

29 (b) *Waits until at least 24 hours after the originally scheduled*
30 *time of the meeting but not later than 3 business days after the*
31 *originally scheduled date of the meeting to take action or*
32 *corrective action.*

33 *7. As used in this section, "emergency" has the meaning*
34 *ascribed to it in NRS 241.020.*

35 **Sec. 2.** This act becomes effective on July 1, 2023.

