

SENATE BILL NO. 105—SENATOR KIECKHEFER

PREFILED JANUARY 28, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to the board of trustees of certain school districts. (BDR 34-156)

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:

1 Under existing law, the board of trustees of a school district in which more than
2 25,000 pupils are enrolled (currently the Clark and Washoe County School
3 Districts) is comprised of seven members who are elected from election districts
4 established by the board to terms of 4 years. (NRS 386.165) **Section 1** of this bill
5 eliminates the election districts and requires that three members of the board be
6 elected at large. In a school district in which more than 75,000 pupils are enrolled,
7 **section 1** requires that the remaining members of the board be appointed by the
8 board of county commissioners of the county in which the school district is located
9 and the governing bodies of the three most populous incorporated cities in the
10 county. In a school district in which more than 25,000 pupils but not more than
11 75,000 pupils are enrolled, **section 1** requires that the remaining members be
12 appointed by the Governor, the board of county commissioners of the county in
13 which the school district is located and the governing bodies of the two most
14 populous incorporated cities in the county. **Sections 2-4 and 7** of this bill make
15 conforming changes.

16 Existing law prescribes the manner of filling a vacancy on the board created by
17 the departure of a member who was elected. (NRS 386.270) **Section 5** of this bill
18 requires the appointing authority to appoint a new member to fill a vacancy created
19 by the departure of a member who was appointed. **Section 6** of this bill makes a
20 conforming change. **Section 8** of this bill establishes the manner in which the
21 current members will be replaced.



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.}~~ *consists of seven*
7 *members, of whom:*

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

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

13 (c) *Three members must be appointed by the governing bodies*
14 *of the three most populous incorporated cities in the county in*
15 *which the school district is located, with each such governing body*
16 *appointing one member. Each member appointed pursuant to this*
17 *paragraph must reside in the city whose governing body is*
18 *required to make the appointment.*

19 2. In each county school district in which more than 25,000
20 pupils but not more than 75,000 pupils are enrolled, the board of
21 trustees ~~{shall establish seven election districts for school trustees,~~
22 ~~as follows:~~

23 —(a) ~~Five districts which are as nearly equal in population as~~
24 ~~practicable, each of which includes approximately one-fifth of the~~
25 ~~population of the county; and~~

26 —(b) ~~Two districts which are as nearly equal in population as~~
27 ~~practicable, each of which includes approximately one-half of the~~
28 ~~population of the county.~~

29 ➔ ~~The districts must be composed of contiguous territory.~~

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

33 —4. ~~In each school district in which more than 25,000 pupils are~~
34 ~~enrolled, the] consists of seven members, of whom:~~

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

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

39 (c) *One member must be appointed by the board of county*
40 *commissioners of the county in which the school district is located.*
41 *The member appointed pursuant to this paragraph must reside in*
42 *the county in which the school district is located.*



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

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

10 4. *The term of office of a school trustee is 4 years* ~~[-Three~~
11 ~~trustees must be elected at the general election of 1982 and four~~
12 ~~trustees must be elected at the general election of 1984.]~~ ,
13 *commencing on the first Monday in January next following the*
14 *election or appointment of the trustee.*

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

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

18 386.240 A candidate for *election to* the office of trustee of a
19 school district shall:

20 1. Be a qualified elector.

21 2. Have the qualifications of residence within the county
22 school district required for the office for which he or she seeks
23 election.

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

25 386.250 1. Candidates for *election to* the office of trustee
26 shall be nominated in the manner provided by the primary election
27 laws of this state.

28 2. The declaration of candidacy and the acceptance of a
29 candidacy by candidates for *election to* the office of trustee of
30 county school districts shall be filed with the county clerk of the
31 county whose boundaries are conterminous with the county school
32 district boundaries.

33 **Sec. 4.** NRS 386.260 is hereby amended to read as follows:

34 386.260 1. Trustees ~~[shall]~~ *who are required to be elected*
35 *must* be elected as provided in the election laws of this state.

36 2. After the close of any election, and in accordance with law,
37 the board of county commissioners shall make abstracts of the votes
38 cast for trustees and shall order the county clerk to issue election
39 certificates to the candidates elected.

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

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

43 386.270 Except as otherwise provided in NRS 386.275:

44 1. Any vacancy occurring in *the elected members of* a board of
45 trustees must be filled by appointment by the remaining members of



1 the board at a public meeting held after notice of the meeting is
2 published at least once each week for 2 weeks in a newspaper
3 qualified pursuant to the provisions of chapter 238 of NRS. The
4 appointee shall serve until the next general election, at which time
5 his or her successor must be elected for the balance of the unexpired
6 term.

7 2. *Any vacancy occurring in the appointed members of a*
8 *board of trustees must be filled by the appointing authority. The*
9 *appointee serves for the balance of the unexpired term and may be*
10 *reappointed.*

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

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

15 386.275 1. If a vacancy occurs, or will occur, in a board of
16 trustees because a member of the board has entered, or is entering,
17 into active military service, ~~[the board of trustees may appoint]~~
18 a person *may be appointed* to serve as a temporary replacement for
19 that member. Such a temporary appointment must be made in the
20 manner, and subject to the requirements, otherwise prescribed in
21 NRS 386.270, except that the member of the board of trustees who
22 has entered, or is entering, into active military service may
23 participate in the process to appoint his or her temporary
24 replacement.

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

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

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

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

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

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

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

42 386.300 Each trustee shall:

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



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

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

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

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

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

12 (b) Who are incumbent on July 1, 2019,

13 ↪ shall continue to serve until the expiration of the terms for which
14 they were elected.

15 2. Between October 5, 2020, and December 4, 2020, the
16 appointing authorities shall appoint the successors of the members
17 of the board of trustees of each school district in which more than
18 25,000 pupils are enrolled whose terms expire on January 3, 2021,
19 in accordance with the provisions of NRS 386.165, as amended by
20 section 1 of this act, to terms commencing on January 4, 2021. Any
21 vacancy occurring before the expiration of the term of such a
22 member must be filled by the appointing authority as provided in
23 NRS 386.270, as amended by section 5 of this act.

24 3. The successors of the members of the board of trustees of
25 each school district in which more than 25,000 pupils are enrolled
26 whose terms expire on January 1, 2023, must be elected at large at
27 the general election on November 8, 2022, in accordance with the
28 provisions of NRS 386.165, as amended by section 1 of this act, to
29 terms commencing on January 2, 2023. Any vacancy occurring
30 before the expiration of the term of such a member must be filled as
31 provided in NRS 386.270, as amended by section 5 of this act.

32 **Sec. 9.** This act becomes effective on July 1, 2019.



