

ASSEMBLY BILL NO. 339—ASSEMBLYMAN HICKEY

MARCH 16, 2015

Referred to Committee on Education

SUMMARY—Revises provisions governing the composition of the boards of trustees of county school districts. (BDR 34-229)

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; providing for the appointment of certain members of the board of trustees of a school district by the State Board of Education who will either replace or supplement the existing membership; providing the manner in which a board of trustees may return to its prior composition; providing for the reduction or addition of election districts or election areas, as applicable, if the elected membership of the board of trustees is revised; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that the board of trustees of a county school district
2 consists of five or seven members, depending on the number of pupils who are
3 enrolled in the county school district. Each member of a board of trustees is elected.
4 (NRS 386.120) **Section 2** of this bill authorizes the board of trustees of a school
5 district to, after a public hearing, adopt a resolution to request the State Board of
6 Education to appoint two members to the board. Such appointed members will
7 either replace two elected members or serve together with and in addition to the
8 existing elected members. **Section 2** authorizes a board of trustees to hold such a
9 hearing at any time but requires a board of trustees to hold such a hearing if the
10 board of trustees is presented with a petition that has been signed by not fewer than
11 10 percent of the qualified electors who reside in the school district or when certain
12 other conditions apply. **Section 17** of this bill requires the Superintendent of Public
13 Instruction to inform the board of trustees of a school district that it is required to
14 hold such a hearing if he or she finds, after reconciling revenues of the school
15 district with the apportionment received for the preceding year, that certain
16 problems may have occurred. **Section 2** also provides that, 2 years or more after
17 members appointed to a board of trustees take office, the board of trustees may,
18 after a public hearing, adopt a resolution to remove the appointed members and



19 return the board to its former composition. Finally, **section 2** prescribes
20 requirements for the provision of notice before a hearing to consider adding or
21 removing appointed members.

22 **Section 3** of this bill prescribes terms for members of a board of trustees who
23 are appointed by the State Board. **Section 3** also provides for the expiration of the
24 terms of the members of a board of trustees that adopts a resolution to replace two
25 elected members with appointed members and the election of all members who are
26 not appointed at the next general election.

27 Existing law requires members of a board of trustees of a school district where
28 fewer than 1,000 pupils were enrolled during the preceding school year to be
29 elected from certain locations within the district unless the district is divided into
30 election areas or election districts. (NRS 386.160, 386.200, 386.205) **Section 5** of
31 this bill provides that, if the board of trustees adopts a resolution to replace two
32 elected members of the board of trustees with appointed members, the remaining
33 members who are not appointed must be elected at large.

34 Existing law requires the board of trustees of a school district in which more
35 than 75,000 pupils are enrolled to establish seven election districts for members of
36 the board of trustees, each of which includes approximately one-seventh of the
37 population of the county. (NRS 386.165) **Section 6** of this bill requires the board of
38 trustees of such a district to instead establish five election districts nearly equal in
39 size if the board of trustees has adopted a resolution providing that two appointed
40 members will replace elected members.

41 In a school district in which more than 25,000 pupils but not more than 75,000
42 pupils are enrolled, existing law requires the board of trustees to establish: (1) five
43 election districts for members of the board of trustees, each of which includes
44 approximately one-fifth of the population of the county; and (2) two election
45 districts, each of which includes approximately half of the population of the county.
46 (NRS 386.165) **Section 6** provides that if the board of trustees of such a district
47 adopts a resolution providing that two appointed members of the board of trustees
48 will replace elected members, the two election districts that each include half of the
49 population of the county will cease to exist.

50 Existing law allows the board of county commissioners of a county for which
51 25,000 or fewer pupils are enrolled in the county school district to provide for
52 school trustee election areas. (NRS 386.200) **Section 9** of this bill requires the
53 board of county commissioners to modify the election areas to reflect the
54 replacement of elected members of the board of trustees with appointed members
55 or the replacement of appointed members of the board of trustees with elected
56 members pursuant to a resolution adopted by the board of trustees.

57 **Sections 14 and 15** of this bill authorize the State Board to appoint a member
58 of a board of trustees to fill a vacancy created by or as a temporary replacement for
59 a member who was appointed by the State Board. **Sections 4, 7, 8, 10-13 and 16** of
60 this bill make conforming changes.

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

3 **Sec. 2. 1.** *The board of trustees of a school district may*
4 *hold a public hearing to consider revising its membership as*
5 *described in subsection 2 at any time. The board of trustees must*
6 *hold such a hearing as soon as practicable if:*



1 (a) *The board of trustees is presented with a petition on a form*
2 *prescribed by the Superintendent of Public Instruction that has*
3 *been signed by not fewer than 10 percent of the qualified electors*
4 *who reside in the school district;*

5 (b) *Based on annual reports of the statewide system of*
6 *accountability for public schools, the school district has received*
7 *the lowest possible rating, based upon the performance of the*
8 *public schools within the school district, pursuant to subsection 3*
9 *of NRS 385.3594 for 2 consecutive years;*

10 (c) *The registered voters of the county have rejected a proposal*
11 *for the issuance of the bonds of the school district pursuant to*
12 *NRS 387.541;*

13 (d) *The State Board finds that emergency assistance should be*
14 *granted to the school district pursuant to NRS 387.1245; or*

15 (e) *After reconciling the revenues of the school district with*
16 *the apportionment received by that district from the State*
17 *Distributive School Account for the preceding year pursuant to*
18 *NRS 387.303, the Superintendent of Public Instruction determines*
19 *that the board of trustees has made material errors, made*
20 *unnecessary or unlawful expenditures or failed to allocate money*
21 *in a lawful manner.*

22 2. *During a hearing held pursuant to subsection 1, the board*
23 *of trustees of a school district shall determine whether to adopt a*
24 *resolution to revise the membership of the board by requesting*
25 *the State Board to appoint two members to the board of trustees.*
26 *The board of trustees must include in the resolution whether the*
27 *appointed members will serve together with and in addition to the*
28 *elected members or replace two of the elected members.*

29 3. *Not less than 2 years after new members who are*
30 *appointed to the board of trustees of a school district pursuant to a*
31 *resolution adopted pursuant to subsection 2 take office, the board*
32 *of trustees of a school district may, after a hearing that meets the*
33 *requirements of subsection 4, adopt a resolution to return the*
34 *board to its former composition by removing the appointed*
35 *members and, if applicable, replacing the appointed members with*
36 *elected members.*

37 4. *A hearing held to adopt a resolution pursuant to*
38 *subsection 1 or 3 must not take place as a part of a regular*
39 *meeting of the board of trustees of the school district. In addition*
40 *to satisfying the requirements of NRS 241.020, not less than 30*
41 *days before such a hearing, the board of trustees shall:*

42 (a) *Post conspicuously, in each school in the school district,*
43 *notice of the hearing;*



1 (b) Provide written or electronic notice of the hearing to the
2 parent or guardian of each pupil who attends a school in the
3 school district; and

4 (c) Publish notice of the date and time of the hearing in a
5 newspaper of general circulation in the county.

6 **Sec. 3. 1.** *If the board of trustees of a school district adopts*
7 *a resolution to revise its membership pursuant to section 2 of this*
8 *act which requests the State Board to appoint two members who*
9 *will serve together with and in addition to the elected members of*
10 *the board, the State Board must:*

11 (a) *Appoint two members to serve until the next general*
12 *election; and*

13 (b) *Appoint two members, who may be the same as the*
14 *members appointed pursuant to paragraph (a), to serve terms*
15 *beginning on the 1st Monday of January thereafter next following*
16 *a general election. One such member must be appointed to a term*
17 *of 4 years and one such member must be appointed to a term of 2*
18 *years. At the expiration of each such term, the State Board shall*
19 *appoint a new member to a term of 4 years.*

20 2. *If a resolution to revise the membership of a board of*
21 *trustees is adopted pursuant to section 2 of this act which requests*
22 *the State Board to appoint two members who will replace two of*
23 *the elected members of the board of trustees:*

24 (a) *The terms of all of the elected members must expire:*

25 (1) *If the resolution is adopted after the date on which a*
26 *general election is held and on or before December 1 of the next*
27 *year, on the 1st Monday of January thereafter next following a*
28 *general election.*

29 (2) *If the resolution is adopted after December 1 of the year*
30 *before a general election will be held and on or before the date on*
31 *which a general election is held, on the 1st Monday of January*
32 *thereafter following the second general election held after the date*
33 *on which the resolution is adopted.*

34 (b) *The terms of all of newly elected members and newly*
35 *appointed members must begin on the date on which the terms of*
36 *all of the elected members expire pursuant to paragraph (a).*

37 3. *The State Board shall appoint one member to a board of*
38 *trustees as described in subsection 2 to an initial term of 4 years*
39 *and one member to an initial term of 2 years. Upon the expiration*
40 *of the initial terms, the State Board shall appoint each member to*
41 *a term of 4 years.*

42 4. *Except as otherwise provided in subsection 6, if a new*
43 *board of trustees will be formed as described in subsection 2 and*
44 *the board of trustees will consist of five elected members and two*
45 *appointed members:*



1 (a) *The three elected members who represent odd-numbered*
2 *election districts or election areas must be elected to an initial term*
3 *of 4 years; and*

4 (b) *The two elected members who represent even-numbered*
5 *election districts or election areas must be elected to an initial term*
6 *of 2 years.*

7 ↪ *Upon expiration of the initial term, all members will be elected*
8 *to a term of 4 years.*

9 5. *Except as otherwise provided in subsection 6, if a new*
10 *board of trustees will be formed as described in subsection 2 and*
11 *the board of trustees will consist of three elected members and two*
12 *appointed members:*

13 (a) *The two elected members who represent odd-numbered*
14 *election districts or election areas must be elected to an initial*
15 *terms of 4 years; and*

16 (b) *The elected member who represents the even-numbered*
17 *election district or election area must be elected to an initial term*
18 *of 2 years.*

19 ↪ *Upon expiration of the initial term, all members will be elected*
20 *to a term of 4 years.*

21 6. *If a new board of trustees will be formed as described in*
22 *subsection 2 and the board of trustees is located in a county that*
23 *does not have election districts or election areas, then the majority*
24 *of the members must be elected to an initial term of 4 years and*
25 *the remaining members will be elected to an initial term of 2 years.*
26 *Upon expiration of the initial term, all members will be elected to*
27 *a term of 4 years.*

28 **Sec. 4.** NRS 386.120 is hereby amended to read as follows:

29 386.120 1. ~~†The board of trustees of a county school district~~
30 ~~consists of five or seven members as follows:~~

31 ~~—(a)†~~ If ~~†1000†~~ 1,500 or more pupils were enrolled *in a school*
32 *district* during the school year next preceding any general election,
33 the board of trustees *of the school district* consists of seven
34 members ~~†~~ *or, if the board adopts a resolution to revise its*
35 *membership pursuant to section 2 of this act providing that*
36 *appointed members will serve together with and in addition to the*
37 *elected members, nine members.* Except in *county* school districts
38 in which more than 25,000 pupils are enrolled, the members of the
39 board *who are not appointed* must be elected at large until such
40 time as an alternate manner of election is adopted pursuant to NRS
41 386.200 or NRS 386.205, 386.215 and 386.225.

42 ~~†(b)†~~ 2. If fewer than 1,000 pupils were enrolled *in a county*
43 *school district* during the school year next preceding any general
44 election, the board of trustees *of the school district* consists of five
45 members ~~†~~ *or, if the board adopts a resolution to revise its*



1 *membership pursuant to section 2 of this act providing that*
2 *appointed members will serve together with and in addition to the*
3 *elected members, seven members.* The members of the board *who*
4 *are not appointed* must be elected as provided in NRS 386.160 until
5 such time as an alternate manner of election is adopted pursuant to
6 NRS 386.200 or NRS 386.205, 386.215 and 386.225.

7 ~~3.~~ 3. If 1,000 or more, but fewer than 1,500 pupils were
8 enrolled *in a school district* during the school year next preceding
9 any general election ~~3~~:

10 (a) *Unless the board of trustees adopts a resolution pursuant to*
11 *paragraph (b),* the board of trustees consists of seven members
12 ~~unless the~~ *or, if the board adopts a resolution to revise its*
13 *membership pursuant to section 2 of this act providing that*
14 *appointed members will serve together with and in addition to the*
15 *elected members, nine members.*

16 (b) *The board, may, on or before December 1 in any year before*
17 *a general election will be held,* ~~adopts~~ *adopt* a resolution
18 specifying that the *membership of the* board will ~~consist of five~~
19 *decrease by two* members.

20 (c) If the board consists of seven *elected* members ~~3~~ *or seven*
21 *elected members and two appointed members,* the election of
22 members is governed by ~~paragraph (a)~~ *subsection 1.* If the board
23 consists of *five elected members and two appointed members,* five
24 *elected* members ~~3~~ *or three elected members and two appointed*
25 *members,* the election of members is governed by ~~paragraph (b)~~
26 ~~2~~ *subsection 2.*

27 4. Before the adoption of a resolution pursuant to paragraph
28 ~~3~~ (b) of subsection ~~3~~ 3, the board of trustees shall post
29 conspicuously, in three different places in the school district, a
30 notice containing in full the text of the resolution with the date upon
31 which the board of trustees of the school district is to meet to act
32 upon the resolution. Posting of the notice must be made not less
33 than 10 days before the date fixed in the resolution for action
34 thereon.

35 ~~3~~ 5. If a board of trustees adopts a resolution pursuant to
36 paragraph ~~3~~ (b) of subsection ~~3~~ 3, it must transmit a copy of
37 the resolution to the Superintendent of Public Instruction on or
38 before December 15 of the year before the general election will be
39 held.

40 **Sec. 5.** NRS 386.160 is hereby amended to read as follows:

41 386.160 1. ~~A~~ *Except as otherwise provided in*
42 *subsection 2:*

43 (a) *At* the general election in 1980 and every 4 years thereafter,
44 in a county school district where fewer than 1,000 pupils were



1 enrolled during the preceding school year, three trustees shall be
2 elected at large within the district, as follows:

3 ~~[(a)]~~ (1) One person who resides at the county seat; but if less
4 than 40 percent of the residents of the county reside at the county
5 seat then such person need not reside at the county seat.

6 ~~[(b)]~~ (2) One person who resides in the county but not at the
7 county seat.

8 ~~[(c)]~~ (3) One person who resides in the county but not at the
9 county seat; but if 80 percent or more of the residents of the county
10 reside at the county seat then a person who resides at the county seat
11 may be elected to the office.

12 ~~[(2)]~~ (b) At the general election in 1982 and every 4 years
13 thereafter, in a county school district where fewer than 1,000 pupils
14 were enrolled during the preceding school year, two trustees shall be
15 elected at large within the district, as follows:

16 ~~[(a)]~~ (1) One person who resides at the county seat; but if less
17 than 20 percent of the residents of the county reside at the county
18 seat then such person need not reside at the county seat.

19 ~~[(b)]~~ (2) One person who resides in the county but who resides
20 neither at the county seat nor in any incorporated city within the
21 county.

22 ~~[(3)]~~ (c) The term of each person elected to the office of school
23 trustee is 4 years.

24 *2. If a board of trustees of a school district that is elected*
25 *pursuant to this section adopts a resolution to revise its*
26 *membership pursuant to section 2 of this act which requests the*
27 *State Board to appoint two members who will replace two elected*
28 *members, the remaining elected members must be elected at large*
29 *to the terms set forth in subsection 6 of section 3 of this act.*

30 **Sec. 6.** NRS 386.165 is hereby amended to read as follows:

31 386.165 1. In each county school district in which more than
32 75,000 pupils are enrolled, the board of trustees shall establish seven
33 election districts *for school trustees or, if the board of trustees*
34 *adopts a resolution to revise its membership pursuant to section 2*
35 *of this act which requests the State Board to appoint two members*
36 *who will replace two elected members, five election districts* for
37 school trustees. The districts must be:

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

39 (b) Composed of contiguous territory.

40 2. ~~[(a)]~~ *Except as otherwise provided in subsection 3, in*
41 *each county school district in which more than 25,000 pupils but not*
42 *more than 75,000 pupils are enrolled, the board of trustees shall*
43 *establish seven election districts for school trustees, as follows:*



1 (a) Five districts which are as nearly equal in population as
2 practicable, each of which includes approximately one-fifth of the
3 population of the county; and

4 (b) Two districts which are as nearly equal in population as
5 practicable, each of which includes approximately one-half of the
6 population of the county.

7 ↪ The districts must be composed of contiguous territory.

8 3. *If the board of trustees adopts a resolution to revise its*
9 *membership pursuant to section 2 of this act which requests the*
10 *State Board to appoint two members who will replace two elected*
11 *members in a county school district in which more than 25,000*
12 *pupils but not more than 75,000 pupils are enrolled, the districts*
13 *established pursuant to paragraph (b) of subsection 2 shall cease*
14 *to exist on the date on which the terms of members expire*
15 *pursuant to paragraph (a) of subsection 2 of section 3 of this act.*

16 4. Each *elected* trustee of a school district to which this section
17 applies must reside in the election district which the trustee
18 represents and be elected by the voters of that election district.

19 ~~{4.—In}~~

20 5. *Except as otherwise provided in section 3 of this act, in*
21 *each county school district in which more than 25,000 pupils are*
22 *enrolled, the term of a school trustee is 4 years. Three trustees must*
23 *be elected at the general election of 1982 and four trustees must be*
24 *elected at the general election of 1984.*

25 **Sec. 7.** NRS 386.180 is hereby amended to read as follows:

26 386.180 1. If the certificate of the Superintendent of Public
27 Instruction filed with the county clerk states that the pupil
28 enrollment during the preceding school year in a county school
29 district other than Clark or Washoe was less than 1,000, or was
30 1,000 or more but less than 1,500 in a district in which the board of
31 trustees has adopted a resolution in accordance with *paragraph (b)*
32 *of subsection 3 of NRS 386.120 or section 2 of this act* specifying
33 that the board will consist of *three elected members and two*
34 *appointed members*, five *elected* members ~~{}~~ *or five elected*
35 *members and two appointed members*, and *seven members of the*
36 *current* board of trustees of the district ~~{is composed of seven~~
37 ~~members}~~ *are* elected at large based upon a previous pupil
38 enrollment of 1,000 or more, then two of the *elected* offices of
39 trustee may not be filled at the next succeeding general election.

40 2. Thereafter, while continued pupil enrollment in the county
41 school district is less than 1,000, or is 1,000 or more but less than
42 1,500 in a district in which the board of trustees has adopted a
43 resolution in accordance with *paragraph (b) of subsection 3 of NRS*
44 *386.120 or section 2 of this act* specifying that the board will
45 consist of *three elected members and two appointed members*, five



1 *elected* members ~~H~~ *or five elected members and two appointed*
2 *members*, the offices of school trustees must be filled as provided
3 by law for school districts having pupil enrollments of less than
4 1,000.

5 **Sec. 8.** NRS 386.190 is hereby amended to read as follows:

6 386.190 1. If the certificate of the Superintendent of Public
7 Instruction filed with the county clerk states that the pupil
8 enrollment during the preceding school year in a county school
9 district was 1,000 or more, and the board of trustees of the district is
10 composed of five members elected as provided in NRS 386.160 ~~H~~
11 *or three members elected at large as provided in NRS 386.160 and*
12 *two members appointed pursuant to section 3 of this act*, then at
13 the next succeeding general election one additional trustee who
14 resides at the county seat must be elected for a term of 4 years, and
15 one additional trustee who resides in the county but not at the
16 county seat must be elected for a term of 2 years.

17 2. Thereafter, while continued pupil enrollment in the county
18 school district is 1,000 or more, the offices of school trustees must
19 be filled as provided by law for school districts having pupil
20 enrollments of that size.

21 3. The provisions of subsections 1 and 2 do not apply in a
22 school district in which the pupil enrollment during the preceding
23 school year was 1,000 or more but less than 1,500, and in which the
24 board of trustees of the school district has adopted a resolution
25 specifying that the board will consist of *three elected members and*
26 *two appointed members*, five *elected* members ~~H~~ *or five elected*
27 *members and two appointed members pursuant to paragraph (b)*
28 *of subsection 3 of NRS 386.120 or pursuant to a resolution to*
29 *revise its membership pursuant to section 2 of this act.*

30 **Sec. 9.** NRS 386.200 is hereby amended to read as follows:

31 386.200 1. In addition to the manner of election provided in
32 NRS 386.205, 386.215 and 386.225, the trustees of a county school
33 district *who are not appointed* may be elected from school trustee
34 election areas in the alternate manner provided in this section.

35 2. Within 30 days before May 1 of any year in which a general
36 election is to be held in the State, 10 percent or more of the
37 registered voters of a county school district in which 25,000 or
38 fewer pupils are enrolled may file a written petition with the board
39 of county commissioners of the county praying for the creation of
40 school trustee election areas within the county school district in the
41 manner provided in this section. The petition must specify with
42 particularity the school trustee election areas proposed to be created,
43 the number of trustees to be elected from each area, and the manner
44 of their nomination and election. The number of school trustee
45 election areas proposed must not exceed the number of *elected*



1 trustees authorized by law for the particular county school district.
2 The description of the proposed school trustee election areas need
3 not be given by metes and bounds or by legal subdivisions, but must
4 be sufficient to enable a person to ascertain what territory is
5 proposed to be included within a particular school trustee election
6 area. The signatures to the petition need not all be appended to one
7 paper, but each signer must add to his or her name his or her place
8 of residence, giving the street and number whenever practicable.
9 One of the signers of each paper shall swear or affirm, before a
10 person competent to administer oaths, that each signature to the
11 paper appended is the genuine signature of the person whose name it
12 purports to be.

13 3. Immediately after the receipt of the petition, the board of
14 county commissioners shall fix a date for a public hearing to be held
15 during the month of May, and shall give notice thereof by
16 publication at least once in a newspaper published in the county, or
17 if no such newspaper is published therein then in a newspaper
18 published in the State of Nevada and having a general circulation in
19 the county. The costs of publication of the notice is a proper charge
20 against the county school district fund.

21 4. If, as a result of the public hearing, the board of county
22 commissioners finds that the creation of school trustee election areas
23 within the county school district is desirable, the board of county
24 commissioners shall, by resolution regularly adopted before June 1,
25 divide the county school district into the number of school trustee
26 election areas specified in the petition, designate them by number
27 and define their boundaries. The territory comprising each school
28 trustee election area must be contiguous. The resolution must further
29 set forth the number of trustees to be elected from each school
30 trustee election area and the manner of their nomination and
31 election.

32 5. Before June 1 and immediately following the adoption of the
33 resolution creating school trustee election areas within a county
34 school district, the clerk of the board of county commissioners shall
35 transmit a certified copy of the resolution to the Superintendent of
36 Public Instruction.

37 6. Upon the creation of school trustee election areas within a
38 county school district the terms of office of all *elected* trustees then
39 in office expire on the 1st Monday of January thereafter next
40 following a general election. At the general election held following
41 the creation of school trustee election areas within a county school
42 district, school trustees to represent the odd-numbered school trustee
43 election areas must be elected for terms of 4 years and school
44 trustees to represent the even-numbered school trustee election areas
45 must be elected for terms of 2 years. Thereafter, at each general



1 election, the offices of *elected* school trustees must be filled for
2 terms of 4 years in the order in which the terms of office expire.

3 7. A candidate for the office of *elected* trustee of a county
4 school district in which school trustee election areas have been
5 created must be a qualified elector and a resident of the school
6 trustee election area which he or she seeks to represent.

7 8. The board of county commissioners may by resolution
8 change the boundaries of school trustee election areas or the manner
9 of nomination or election of school trustees after:

10 (a) Holding a public hearing of which notice must be given as
11 provided in subsection 3; and

12 (b) Receiving, at the hearing or by resolution, the consent of the
13 board of trustees of the school district.

14 9. If the Superintendent of Public Instruction certifies to the
15 county clerk that the enrollment of pupils during the preceding
16 school year in a county school district was less than 1,000, or was
17 1,000 or more but less than 1,500 in a district in which the board of
18 trustees has adopted a resolution in accordance with *subsection 3 of*
19 *NRS 386.120* specifying that the board will consist of ~~five~~:

20 (a) *Three elected members and two appointed members, and*
21 *the board of trustees of the county school district is composed of*
22 *five elected members and two appointed members;*

23 (b) *Five elected* members, and the board of trustees of the
24 ~~county~~ school district is composed of seven elected members ; or

25 (c) *Five elected and two appointed members, and the board of*
26 *trustees of the county school district is composed of seven elected*
27 *members and two appointed members,*

28 ↪ based upon a previous enrollment of 1,000 or more, the board of
29 county commissioners shall alter the school trustee election areas or
30 change the number of trustees to be elected from the areas, or the
31 manner of their nomination and election, as may be necessary to
32 provide for reduction of the *elected* membership of the board of
33 trustees of the county school board , ~~from seven to five members,~~
34 and only *three or* five school trustees , *as applicable*, may thereafter
35 be nominated and elected at the forthcoming elections.

36 10. If the Superintendent of Public Instruction certifies to the
37 county clerk that the enrollment of pupils during the preceding
38 school year in a county school district was 1,000 or more, and ~~the~~
39 ~~board of trustees of the county school district is composed of~~ *three*
40 *or* five *members of the board of trustees of the county school*
41 *district are* elected ~~members,~~ *based on a previous enrollment of*
42 *less than 1,000*, the board of county commissioners shall alter the
43 school trustee election areas or change the number of trustees to be
44 elected from the areas, or the manner of their nomination and
45 election, as may be necessary to provide for increasing the *elected*



1 membership of the board of trustees of the county school district
2 from *three to five or* five to seven members, *as applicable*, and two
3 additional school trustees must thereafter be nominated and elected
4 at the forthcoming elections.

5 11. The provisions of subsection 10 do not apply in a school
6 district in which the pupil enrollment during the preceding school
7 year was 1,000 or more but less than 1,500, and in which the board
8 of trustees of the school district has adopted a resolution specifying
9 that the board will consist of five *elected* members ~~H~~ *or five elected*
10 *members and two appointed members.*

11 *12. If the board of trustees of the county school district adopts*
12 *a resolution to revise its membership pursuant to section 2 of this*
13 *act which requests the State Board to appoint two members who*
14 *will replace two elected members, the board of county*
15 *commissioners must alter the school trustee election areas or*
16 *change the number of trustees to be elected from the areas, or the*
17 *manner of their nomination and election, as may be necessary to*
18 *reduce the elected membership of the board of trustees of the*
19 *county school district from seven to five members or five to three*
20 *members, as applicable, and only three or five school trustees, as*
21 *applicable, may thereafter be nominated and elected at the*
22 *forthcoming elections.*

23 *13. If the board of trustees of the county school district has*
24 *adopted a resolution pursuant to section 2 of this act to remove*
25 *appointed members and return the board to its former composition*
26 *by replacing the appointed members with elected members, the*
27 *board of county commissioners must alter the school trustee*
28 *election areas or change the number of trustees to be elected from*
29 *the areas, or the manner of their nomination and election, as may*
30 *be necessary to provide for increasing the elected membership of*
31 *the board of trustees of the county school district from three to five*
32 *or five to seven members, as applicable, and two additional school*
33 *trustees must thereafter be nominated and elected at the*
34 *forthcoming elections.*

35 **Sec. 10.** NRS 386.205 is hereby amended to read as follows:

36 386.205 1. In any county school district in which not more
37 than 25,000 pupils are enrolled, the board of trustees may adopt a
38 resolution dividing the geographical area of the school district into a
39 number of election districts identical to the number of *elected*
40 trustees.

41 2. The election districts must:

42 (a) Be single-member districts.

43 (b) Be formed with reference to assembly districts as far as is
44 practicable.

45 (c) Have nearly equal populations as far as is practicable.



1 3. This section does not authorize any change in the number of
2 members of the board of trustees.

3 4. If a board of trustees adopts a resolution pursuant to this
4 section, the *elected* members of the board continue to hold office
5 until the next following general election.

6 5. As used in this section, unless the context otherwise
7 requires, "assembly district" means any district created pursuant to
8 the provisions of chapter 218B of NRS for the election of members
9 of the Assembly.

10 **Sec. 11.** NRS 386.225 is hereby amended to read as follows:

11 386.225 1. Election districts created pursuant to NRS
12 386.205 may be constructed so that the:

13 (a) Voters in each election district elect a trustee to represent
14 them; or

15 (b) Trustees are elected by all of the voters in the county school
16 district.

17 ➤ In either case, each trustee must be a resident of the election
18 district which he or she represents throughout his or her term of
19 office.

20 2. The board of trustees shall adopt a resolution, after a public
21 hearing on the matter, determining whether each trustee *who is not*
22 *appointed* will be elected solely by the voters in the election district
23 of the trustee or all of the voters in the county school district.

24 **Sec. 12.** NRS 386.240 is hereby amended to read as follows:

25 386.240 ~~†~~ *Each* candidate for the office of trustee of a
26 school district *and each person appointed to the office of trustee of*
27 *a school district* shall:

28 1. Be a qualified elector.

29 2. Have the qualifications of residence within the county
30 school district required for the office for which he or she seeks
31 election ~~†~~ *or is appointed*.

32 **Sec. 13.** NRS 386.260 is hereby amended to read as follows:

33 386.260 1. Trustees *who are not appointed* shall be elected
34 as provided in the election laws of this state.

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

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

41 **Sec. 14.** NRS 386.270 is hereby amended to read as follows:

42 386.270 Except as otherwise provided in NRS 386.275:

43 1. Any vacancy occurring in a *position on a* board of trustees
44 *to which a member is elected* must be filled by appointment by the
45 remaining members of the board at a public meeting held after



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

6 **2. Any vacancy in a position on a board of trustees to which a**
7 **member is appointed pursuant to section 3 of this act must be**
8 **filled for the unexpired term by a person appointed by the State**
9 **Board.**

10 **3.** Any person appointed to fill a vacancy must have the
11 qualifications provided in NRS 386.240.

12 **Sec. 15.** NRS 386.275 is hereby amended to read as follows:

13 386.275 1. If a vacancy occurs, or will occur, in a board of
14 trustees because a member of the board has entered, or is entering,
15 into active military service ~~[-, the]~~ :

16 (a) **The** board of trustees may appoint a person to serve as a
17 temporary replacement for ~~that~~ **an elected** member ~~[-, Such a]~~ ; and

18 (b) **The State Board may appoint a person to serve as a**
19 **temporary replacement for an appointed member.**

20 **2.** A temporary appointment **pursuant to subsection 1** must be
21 made in the manner, and subject to the requirements, otherwise
22 prescribed in NRS 386.270, except that ~~the~~ **an elected** member of
23 the board of trustees who has entered, or is entering, into active
24 military service may participate in the process to appoint his or her
25 temporary replacement.

26 ~~[-]~~ **3.** If a person is temporarily appointed to serve on a board
27 of trustees pursuant to this section:

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

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

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

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

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

42 **Sec. 16.** NRS 386.300 is hereby amended to read as follows:

43 386.300 Each trustee shall:



1 1. ~~Enter~~ *Except as otherwise provided in section 3 of this*
2 *act, enter* upon the duties of office on the 1st Monday in January
3 next following the election of the trustee.

4 2. Hold office until his or her successor is elected *or appointed*
5 and qualified.

6 3. Take and subscribe to the official oath.

7 4. File with the Superintendent of Public Instruction a copy of
8 his or her official oath together with a statement showing the term
9 for which the trustee has been elected or appointed.

10 **Sec. 17.** NRS 387.303 is hereby amended to read as follows:

11 387.303 1. Not later than November 1 of each year, the board
12 of trustees of each school district shall submit to the Superintendent
13 of Public Instruction and the Department of Taxation a report which
14 includes the following information:

15 (a) For each fund within the school district, including, without
16 limitation, the school district's general fund and any special revenue
17 fund which receives state money, the total number and salaries of
18 licensed and nonlicensed persons whose salaries are paid from the
19 fund and who are employed by the school district in full-time
20 positions or in part-time positions added together to represent full-
21 time positions. Information must be provided for the current school
22 year based upon the school district's final budget, including any
23 amendments and augmentations thereto, and for the preceding
24 school year. An employee must be categorized as filling an
25 instructional, administrative, instructional support or other position.

26 (b) The school district's actual expenditures in the fiscal year
27 immediately preceding the report.

28 (c) The school district's proposed expenditures for the current
29 fiscal year.

30 (d) The schedule of salaries for licensed employees in the
31 current school year and a statement of whether the negotiations
32 regarding salaries for the current school year have been completed.
33 If the negotiations have not been completed at the time the schedule
34 of salaries is submitted, the board of trustees shall submit a
35 supplemental report to the Superintendent of Public Instruction upon
36 completion of negotiations or the determination of an arbitrator
37 concerning the negotiations that includes the schedule of salaries
38 agreed to or required by the arbitrator.

39 (e) The number of employees who received an increase in salary
40 pursuant to subsection 2, 3 or 4 of NRS 391.160 for the current and
41 preceding fiscal years. If the board of trustees is required to pay an
42 increase in salary retroactively pursuant to subsection 2 of NRS
43 391.160, the board of trustees shall submit a supplemental report to
44 the Superintendent of Public Instruction not later than February 15
45 of the year in which the retroactive payment was made that includes



1 the number of teachers to whom an increase in salary was paid
2 retroactively.

3 (f) The number of employees eligible for health insurance within
4 the school district for the current and preceding fiscal years and the
5 amount paid for health insurance for each such employee during
6 those years.

7 (g) The rates for fringe benefits, excluding health insurance,
8 paid by the school district for its licensed employees in the
9 preceding and current fiscal years.

10 (h) The amount paid for extra duties, supervision of
11 extracurricular activities and supplemental pay and the number of
12 employees receiving that pay in the preceding and current fiscal
13 years.

14 (i) The expenditures from the account created pursuant to
15 subsection 4 of NRS 179.1187. The report must indicate the total
16 amount received by the district in the preceding fiscal year and the
17 specific amount spent on books and computer hardware and
18 software for each grade level in the district.

19 2. On or before November 25 of each year, the Superintendent
20 of Public Instruction shall submit to the Department of
21 Administration and the Fiscal Analysis Division of the Legislative
22 Counsel Bureau, in a format approved by the Director of the
23 Department of Administration, a compilation of the reports made by
24 each school district pursuant to subsection 1.

25 3. In preparing the agency biennial budget request for the State
26 Distributive School Account for submission to the Department of
27 Administration, the Superintendent of Public Instruction:

28 (a) Shall compile the information from the most recent
29 compilation of reports submitted pursuant to subsection 2;

30 (b) May increase the line items of expenditures or revenues
31 based on merit salary increases and cost of living adjustments or
32 inflation, as deemed credible and reliable based upon published
33 indexes and research relevant to the specific line item of expenditure
34 or revenue;

35 (c) May adjust expenditures and revenues pursuant to paragraph
36 (b) for any year remaining before the biennium for which the budget
37 is being prepared and for the 2 years of the biennium covered by the
38 biennial budget request to project the cost of expenditures or the
39 receipt of revenues for the specific line items;

40 (d) May consider the cost of enhancements to existing programs
41 or the projected cost of proposed new educational programs,
42 regardless of whether those enhancements or new programs are
43 included in the per pupil basic support guarantee for inclusion in the
44 biennial budget request to the Department of Administration; and



1 (e) Shall obtain approval from the State Board for any
2 inflationary increase, enhancement to an existing program or
3 addition of a new program included in the agency biennial budget
4 request.

5 4. The Superintendent of Public Instruction shall, in the
6 compilation required by subsection 2, reconcile the revenues of the
7 school districts with the apportionment received by those districts
8 from the State Distributive School Account for the preceding year.

9 5. *If, after reconciling the revenues of the school district with*
10 *the apportionment received by that district from the State*
11 *Distributive School Account for the preceding year, the*
12 *Superintendent of Public Instruction determines that the board of*
13 *trustees of the school district has made material errors, made*
14 *unnecessary or unlawful expenditures or failed to allocate funds*
15 *in a lawful manner, the Superintendent shall notify the board of*
16 *trustees that it is required to hold a hearing pursuant to section 2*
17 *of this act.*

18 6. The request prepared pursuant to subsection 3 must:

19 (a) Be presented by the Superintendent of Public Instruction to
20 such standing committees of the Legislature as requested by the
21 standing committees for the purposes of developing educational
22 programs and providing appropriations for those programs; and

23 (b) Provide for a direct comparison of appropriations to the
24 proposed budget of the Governor submitted pursuant to subsection 4
25 of NRS 353.230.

26 **Sec. 18.** This act becomes effective on July 1, 2015.



